



Australian Government

Department of Agriculture,
Fisheries and Forestry

Guideline for exporter supply chain assurance operations approved arrangements

Live Animal Export Branch



© Commonwealth of Australia 2023

Ownership of intellectual property rights

Unless otherwise noted, copyright (and any other intellectual property rights) in this publication is owned by the Commonwealth of Australia (referred to as the Commonwealth).

Creative Commons licence

All material in this publication is licensed under a [Creative Commons Attribution 4.0 International Licence](https://creativecommons.org/licenses/by/4.0/) except content supplied by third parties, logos and the Commonwealth Coat of Arms.



Cataloguing data

This publication (and any material sourced from it) should be attributed as: DAFF 2023, *Guideline for exporter supply chain assurance operations approved arrangements*, Department of Agriculture, Fisheries and Forestry, Canberra, CC BY 4.0.

This publication is available at agriculture.gov.au/biosecurity-trade/export/controlled-goods/live-animals/livestock/exporters/escas.

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

Telephone 1800 900 090

Web agriculture.gov.au

Disclaimer

The Australian Government acting through the Department of Agriculture, Fisheries and Forestry has exercised due care and skill in preparing and compiling the information and data in this publication. Notwithstanding, the Department of Agriculture, Fisheries and Forestry, its employees and advisers disclaim all liability, including liability for negligence and for any loss, damage, injury, expense or cost incurred by any person as a result of accessing, using or relying on any of the information or data in this publication to the maximum extent permitted by law.

Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

Contents

1	Exporter supply chain assurance operations	5
1.1	Background.....	5
1.2	Roles and responsibilities	6
1.3	Purpose.....	7
1.4	Scope	7
1.5	Related material	7
2	Applications.....	8
2.1	Forms.....	8
2.2	Submitting an application	8
2.3	Assessment fees	8
3	Eligibility criteria for applicants	9
3.1	Fit and proper persons	9
3.2	Australian company.....	9
3.3	Must not hold a livestock export license.....	9
3.4	Conflicts of interest	9
3.5	Commitment to carrying out export operations.....	9
4	Requirements for a proposed arrangement	10
4.1	Governance structure, management practices and policies.....	10
4.2	Variation of an AA	10
4.3	Independence from regulated entities	11
4.4	Qualified personnel	11
4.5	Scope of livestock species and importing countries	11
4.6	Integrity and accountability	11
4.7	Internal review	12
4.8	Wind-up plan	12
4.9	Quarterly reporting to the department	12
4.10	Assurance rules and assurance standards.....	13
4.11	Supply chain disruptions	13
4.12	Audits.....	13
4.13	Managing complaints	15
5	Assessment of a proposed arrangement	16
5.1	Principles of decisions made by the department.....	16
5.2	Assessment timeframes	16
5.3	Application approvals.....	17

5.4	Conditions of an AA.....	17
5.5	Validity and renewal of an AA	17
5.6	Refusal of an application for an AA	18
6	Administering ESCAO under an approved arrangement.....	19
6.1	Ensuring conformance with assurance rules and standards.....	19
6.2	Assessment of entities applying for certification	19
6.3	Addressing non-conformities by certified entities.....	20
6.4	Reporting requirements	20
6.5	Non-compliances with ESCAS involving certified entities.....	21
6.6	Suspension or revocation of a certified entity’s certification	22
6.7	Fees and charges levied by a TPPAS on entities.....	23
6.8	Departmental audits.....	23
7	Variation of an approved arrangement	24
7.1	Application by a TPPAS for variation	24
7.2	Significant variations	24
7.3	Notice of the department’s decision for a variation	25
8	Suspension or revocation of an approved arrangement.....	26
8.1	Suspension of an AA	26
8.2	Revocation of an AA	27
9	Non-compliance by a TPPAS	29
9.1	Critical non-compliance by a TPPAS	29
9.2	Penalties for contravention of an AA	30
9.3	Publication of compliance investigations.....	30
10	Sharing and handling of confidential information.....	31
10.1	Information sharing.....	31
10.2	Commercially sensitive information.....	31
	Glossary.....	32
	Document control	35

1 Exporter supply chain assurance operations

1.1 Background

The Exporter Supply Chain Assurance System (ESCAS) is the regulatory framework, underpinned by legislation, administered by the department to ensure feeder and slaughter livestock exported from Australia are handled in accordance with international animal welfare standards from the time of arrival in the importing country up until, and including, the point of slaughter.

To achieve this purpose, the regulatory framework has 4 key components:

- control
- traceability and accountability
- animal welfare
- independent auditing.

In 2021, changes to the legislation allowed livestock exporters to demonstrate compliance with ESCAS by using exporter supply chain assurance operations (ESCAO).

ESCAO are activities and processes administered by a third-party provider of assurance services (TPPAS) under an arrangement approved by the department (AA). The department considers the use of ESCAO as an alternative method for exporters to meet their ESCAS obligations under Part 9 of Chapter 6 of the Export Control (Animals) Rules 2021 (the Animals Rules).

Under an AA, the TPPAS:

- certifies that entities conform with the TPPAS' assurance rules and assurance standards, and monitors their conformity once certified
- conducts audits to verify conformance with relevant assurance standards
- investigates entities' alleged non-conformities, including verifying the effectiveness of any corrective action taken to address non-conformities
- reports to the department about:
 - certification of entities, including any suspensions or revocation of certification
 - audit findings
 - investigation findings and corrective action taken
- gives assurances to the department and exporters in relation to entities that meet certain standards.

The legislative basis and principles for the use of ESCAO are provided for in Part 2 of Chapter 5 of the Animals Rules.

1.2 Roles and responsibilities

Under an ESCAO system, the ESCAS regulatory framework remains in place. Exporters must continue to meet their ESCAS obligations, while the department and the TPPAS carry out various roles and responsibilities.

1.2.1 Department

The department is the regulator of live animal exports.

The role of the department is to regulate exporters and any TPPAS in accordance with Australian legislation. The department retains regulatory oversight of ESCAS and the operations of a TPPAS to confirm that:

- the TPPAS is carrying out ESCAO in accordance with its AA
- the transparency, independence and integrity of ESCAS is maintained
- the ESCAS outcomes for animal welfare, control and traceability of exported feeder and slaughter livestock continue to be achieved.

The department is the independent and impartial regulator of live animal exports. This means that the department develops and reviews regulatory frameworks, consulting widely and duly considering stakeholder views on proposed changes and the impact those changes may have. The department, having taken into account all relevant considerations, has the ultimate decision-making authority and bears responsibility for setting requirements and standards in relation to livestock exports. The department's decisions must be consistent with, and defensible under, relevant legislation.

The department supports trade continuity through ensuring compliance with Australian legislation by regulated entities.

1.2.2 TPPAS

Proposed arrangements for ESCAO must meet relevant legislative requirements in the Animals Rules and the *Export Control Act 2020* (the Act).

If the proposed arrangement is approved, it becomes a TPPAS' AA. The AA underpins all aspects of assurance services.

A TPPAS provides audit-based assurance services to the following supply chain entities in the export of feeder and slaughter livestock from Australia:

- Australian livestock exporters that hold an export licence
- importers of Australian feeder and slaughter livestock that are based in importing countries
- facilities (abattoirs, feedlots, depots etc.) in importing countries that receive and handle imported Australian feeder and slaughter livestock up until, and including, the point of slaughter.

The responsibilities of a TPPAS include:

- maintaining its assurance rules and standards under its AA

- where changes to the assurance rules or standards are made, liaising with the department to ensure variations to the AA do not disrupt export operations and continue to provide equivalent or greater animal welfare outcomes than legislated requirements
- maintaining arrangements with independent third-party auditors for the auditing and certification of entities
- acting as the administrator of the ESCAO program, including the management of audit arrangements and close out of non-conformities
- providing program information to the department in accordance with legislated timeframes and requests, including information relating to non-compliance
- immediately notifying the department of any systemic non-compliance issues which may put the integrity of its assurance program or the ability for exporters to maintain compliance with ESCAS requirements at risk
- ensuring the ESCAO program (including internal audits) is managed in accordance with the assurance rules
- notifying ESCAO-certified entities, including those in voluntary suspension, of any amendments to the assurance rules or standards.

1.3 Purpose

The purpose of this guideline is to outline the legislative basis, requirements and administrative framework for AAs for ESCAO.

1.4 Scope

This guideline applies to any prospective TPPAS applying to the department for approval of a proposed arrangement to administer ESCAO, as well as any TPPAS with an existing AA. It also provides information for entities who choose to use the services of a TPPAS.

1.5 Related material

- [Application Checklist for an Approved Arrangement for Exporter Supply Chain Assurance Operations](#)
- Cost Recovery Implementation Statements (Live Animal Exports)
- ESCAO and ESCAS webpage on the [department's website](#)
- [Export advisory notices \(EANs\)](#)
- [Exporter Supply Chain Assurance Operations – new application, renewal, and variations form](#)
- Protective Security Policy Framework
- [Regulating live animal exports](#)
- Relevant policies and guidelines available on the department's website
- [Terrestrial Animal Health Code, World Organisation for Animal Health \(WOAH Code\)](#)
- [TPPAS Periodic Reporting Requirements](#)

2 Applications

2.1 Forms

All proposed arrangement submissions must be accompanied by a completed Exporter Supply Chain Assurance Operations – new application, renewal, and variations form (the approved form).

Sections 1 to 4 of this guideline should also be read in conjunction with the ESCAO Application Checklist (the checklist).

Together, these forms assist applicants to provide the information necessary to demonstrate that the proposed arrangement fulfils relevant requirements in legislation and as detailed in the approved form.

2.2 Submitting an application

Completed forms should be submitted to livestockexp.aff.gov.au.

2.3 Assessment fees

The assessment of proposed arrangement submissions will be charged in accordance with the department's live animal export cost recovery arrangement, as detailed in the Cost recovery implementation statement for live animal exports on the department's website.

3 Eligibility criteria for applicants

3.1 Fit and proper persons

The applicant for an ESCAO AA and persons in management or control of operations covered by the proposed arrangement must be found to be fit and proper persons as defined in legislation. This is covered in the application form.

If a new TPPAS applicant has no financial history, or the applicant has outstanding commonwealth liability, the delegate may decide not to approve the application for an AA, or may decide to approve the application with conditions.

3.2 Australian company

The applicant TPPAS must be an Australian company, in accordance with section 5-10(1)(a) of the Animals Rules.

The applicant's business details, including a current Australian Business Number (ABN) and/or Australian Company Number (ACN) should be provided in section C of the approved form.

3.3 Must not hold a livestock export licence

The applicant for the AA must not hold a livestock export licence, in accordance with section 5-10(1)(b) of the Animals Rules. Further, the department requires that employees of the TPPAS must not hold a livestock export licence.

The applicant's details, as well as those of the applicant TPPAS' employees will be verified against the department's register of licenced livestock exporters.

3.4 Conflicts of interest

Refer to section 5-10(2) of the Animals Rules.

The proposed arrangement must be accompanied by a declaration stating:

- 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 ESCAO covered by the arrangement, or
- if the applicant has no such interests – that fact.

This is covered in the requirements of the application form.

3.5 Commitment to carrying out export operations

The proposed arrangement must record the applicant's commitment to provisions in section 5-10(3) of the Animals Rules.

This is covered in the requirements of the application form.

4 Requirements for a proposed arrangement

A proposed arrangement must demonstrate the following outcomes:

- The applicant for the AA demonstrates fulfillment of criteria in section 3 of this guideline.
- The TPPAS has systems in place to support its operation to a high level of integrity. These systems include:
 - an appropriate governance structure
 - processes for internal review
 - demonstrated independence from regulated entities
 - the ongoing consistency of assurance rules and standards to relevant international standards
 - systems to ensure the adequate provision of competent personnel to effectively carry out ESCAO covered by the proposed arrangement.
- The ESCAO covered by the proposed arrangement demonstrates fulfillment of regulatory and legislated requirements.
- The ESCAO covered by the proposed arrangement delivers assurances at least equivalent to ESCAS principles of animal welfare, control, traceability and independent auditing.

Applicants should refer to the requirements listed in the approved form, as well as the checklist, when preparing a proposed arrangement.

The checklist suggests evidence of systems and processes that should be included in a proposed arrangement to demonstrate the fulfillment of each requirement. The department welcomes proposals of alternative systems and processes and will assess them to determine if they meet relevant requirements and achieve the intended outcomes of an AA for ESCAO.

4.1 Governance structure, management practices and policies

The proposed arrangement must demonstrate that the TPPAS has an appropriate governance structure in place (s5-12 of the Animals Rules).

4.2 Variation of an AA

The proposed arrangement must include the TPPAS' procedure for reporting significant variations to its AA to the department. Applications to the department for approval of significant variations to an ESCAO AA must be made using the approved form. Proposed amendments to an AA that constitute significant variations are listed in section 5-21 of the Animals Rules.

See also section 7 of this document.

4.3 Independence from regulated entities

The proposed arrangement must include the TPPAS' systems and procedures for ensuring its independence from regulated entities in the delivery of its assurance services, and that there is a system in place to identify and manage conflicts of interest that may exist.

As part of this, the proposed arrangement must contain a procedure that ensures staff in management and control or decision-making positions must not, for a period of at least 2 years prior to commencement or ongoing approval of the TPPAS' AA, be an owner, board member, employee or close family member of any entity certified by the TPPAS.

4.4 Qualified personnel

The proposed arrangement must include the TPPAS' procedures to ensure there are sufficient competent and qualified personnel to deliver its assurance services.

To satisfy this requirement, position descriptions of persons in positions of management and control of the TPPAS must be provided, along with an organisational chart illustrating the interactions and reporting lines between these positions.

There must also be a system in place for recording staff qualifications, identifying training needs and evaluating ongoing staff competence.

4.5 Scope of livestock species and importing countries

In accordance with section 5-13 of the Animals Rules, the proposed arrangement must specify:

- each kind of feeder or slaughter livestock in relation to which ESCAO covered by the arrangement are to be carried out
- each country in relation to which those operations are to be carried out in relation to that kind of livestock.

An applicant TPPAS must be able to offer assurance services in all countries accessed by Australian exporters of feeder and slaughter livestock, and the proposed arrangement must include an implementation plan that demonstrates this. If implementation is not possible in one or more importing countries, the applicant must include in their proposed arrangement details of the reasons why assurance services cannot be provided.

The department acknowledges that a TPPAS may take a risk-based approach to rolling out assurance services across all importing countries.

4.6 Integrity and accountability

The proposed arrangement must include the TPPAS' policies and procedures that demonstrate the company's commitment to maintaining high standards of integrity and accountability for its decisions.

These policies and procedures could include codes-of-conduct for TPPAS employees and committees and a corporate values statement.

4.7 Internal review

The proposed arrangement must document the TPPAS' systems and procedures for internal review.

Broadly, these reviews must verify that the ESCAO covered by the proposed arrangement continue to comply with relevant legislation, that they are revised for alignment with changes to ESCAS policy, and that failures of the TPPAS to meet the requirements and conditions for approval of its proposed arrangement are detected and addressed accordingly.

In addition, this review must include an evaluation of the TPPAS' systems for overseeing the delivery of assurance services through its certification bodies and auditors. Where non-conformities (of certification bodies and/or auditors with relevant assurance rules and standards) are detected, there must be documented procedures that are implemented to address these non-conformities accordingly.

The department's review of TPPAS' internal review reports will be included in the scope of departmental audits of a TPPAS holding an ESCAO AA (refer section 6.8).

4.8 Wind-up plan

The proposed arrangement must include procedures that would be implemented in the event that the provision of ESCAO to some or all countries is ceased (i.e. a wind-up plan), to ensure ongoing control, traceability and acceptable animal welfare outcomes for exported Australian feeder and slaughter livestock.

The wind-up plan must support the transition of entities certified by the TPPAS to alternative arrangements (i.e. traditional ESCAS arrangements) if any of the following occur:

- a complete wind-up of the TPPAS
- the wind-up of ESCAO in a country accessed by Australia for exported feeder and slaughter livestock
- the department suspends or revokes the TPPAS' AA during its term of approval
- the TPPAS does not intend to apply for renewal of the AA.

The alternative arrangements must be implemented completely before the TPPAS can no longer offer ESCAO in a given country. The wind-up plan must include procedures for managing Australian feeder and slaughter livestock remaining in active supply chains in affected countries and for the transfer of information, audit reports and relevant data relating to certified entities, to the department.

4.9 Quarterly reporting to the department

Section 5-18 of the Animals Rules requires that the holder of an AA for ESCAO must report to the department on ESCAO carried out in accordance with the AA during each reporting period of 3 months.

The proposed arrangement must include details of the TPPAS' procedures for providing information to the department, upon request as well as in accordance with criteria for these quarterly reporting requirements (see section 6.4.1).

4.10 Assurance rules and assurance standards

Section 5-11 of the Animals Rules requires that the proposed arrangement must provide for:

- rules (assurance rules) for carrying out ESCAO covered by the arrangement
- standards (assurance standards) that must be met for assurances to be given in relation to entities in accordance with the arrangement.

The proposed assurance rules and assurance standards must demonstrate equivalence to ESCAS principles of animal welfare, control and traceability through the export supply chain, and independent auditing. In accordance with section 5-16(3) of the Animals Rules, the TPPAS must have systems in place for the scheduled and ad hoc review of the assurance rules and standards to ensure consistency with ESCAS principles.

The proposed arrangement must also include details of the process that was followed to develop the assurance rules and assurance standards. This process must be consistent with international standard development procedures such as those required by the International Organisation for Standardisation (ISO), or equivalent.

4.10.1 Assurance rules

A TPPAS' assurance rules are overarching rules that:

- guide the constitution of the ESCAO program's assurance standards
- outline the development, administration and application of assurance services provided
- describe the interactions between, and responsibilities of, the TPPAS and certified entities or entities seeking certification by the TPPAS.

4.10.2 Assurance standards

The assurance standards are documented requirements that must be fulfilled by entities to attain initial and/or maintain ongoing certification in the TPPAS' assurance program. Entities will demonstrate compliance with ESCAS by demonstrating conformance to the TPPAS' assurance standards.

4.11 Supply chain disruptions

The proposed arrangement must include the TPPAS' procedures for:

- ensuring notification of all affected certified entities within a given country in the event of a supply chain disruption
- ensuring that no Australian livestock remain with entities which have had their certification revoked.

4.12 Audits

4.12.1 Auditing of certified entities

The proposed arrangement must include the TPPAS' procedure to ensure consistent auditing of certified entities against the assurance rules and assurance standards. To support this, the proposed arrangement must contain a requirement of certification bodies to have a risk-based approach to external auditing of certified entities, with external audits occurring at least annually.

Certified entities must be required to facilitate and provide timely access for the TPPAS to their systems, facilities, procedures, records, livestock and personnel. This includes where their certification is suspended or revoked, in instances where the TPPAS still needs to carry out procedures relevant to its assurance operations.

Internal audits of certified facilities

The proposed arrangement must include the TPPAS' procedure for ensuring internal auditors of certified facilities:

- have the skills and competencies to conduct the scope of their audits
- receive appropriate training to do so
- are impartial and do not audit their own work area.

Addressing non-conformities by certified entities

In accordance with section 5-11(2) of the Animals Rules, the proposed arrangement must also include the TPPAS' procedure for addressing identified non-conformities with the TPPAS' assurance rules and assurance standards by a certified entity. This must include that the assurance given in relation to an entity in accordance with the AA may be removed (i.e. the certification of an entity may be suspended or revoked as a result of a severe non-conformity, or one that has not been satisfactorily addressed).

4.12.2 Certification bodies

The proposed arrangement must include the TPPAS' procedure to ensure that certification bodies providing auditing, assessment and certification services:

- are accredited by an appropriate authority to an international standard
- are independent of the entities they are auditing, and have no conflict of interest
- possess an appropriate level of competence and expertise
- undertake a risk-based approach to external auditing, including procedures for entity risk assessment, entity risk-rating and entity audit frequency, in accordance with assurance standards and auditor guidance provided by the TPPAS.

In ensuring that certification bodies are sufficiently independent of certified entities and have no conflicts of interest, the proposed arrangement must record that as conditions of their approval, certification bodies and their employees:

- have not, for a period of at least 2 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
- 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.

The proposed arrangement must also include the procedure for auditing the certification body's management of non-conformities by the entity.

4.12.3 External audits

The proposed arrangement must include the TPPAS' procedure to ensure that external auditors:

- are approved by an approved certification body before offering audit services
- do not conduct audits where a conflict of interest exists or potentially exists
- have the appropriate skills and competencies to undertake the scope of the audit required
- are committed to ongoing professional development.

4.13 Managing complaints

A TPPAS should have a fair, open, transparent and systemic approach to handling complaints made to them regarding the performance of certified entities. The proposed arrangement must include the TPPAS' procedure for handling and managing complaints and alleged non-conformities referred by:

- third parties (animal welfare groups, industry, and the public)
- the department.

Third-party reports must be investigated and assessed in accordance with a complaints management policy, which includes procedures for handling:

- third-party reports made to the TPPAS regarding a certified entity's alleged non-conformity with the TPPAS' assurance rules and assurance standards, or
- referral of third-party reports from the department regarding a certified entity's alleged non-conformity with the TPPAS' assurance rules and assurance standards.

A TPPAS' complaints management policy must define the criteria of a complaint, and specify what types of alleged non-conformities will be investigated with reference to:

- the seriousness of the alleged complaint
- the weight of evidence
- the time that has elapsed since the alleged non-conformity occurred
- the likelihood that the actions that gave rise to the complaint are still occurring
- the corrective actions that have been taken to address the alleged non-conformity, including their effectiveness at resolving or managing the alleged non-conformity.

In addition, the proposed arrangement must include procedures for all third-party reports to be assessed by the TPPAS. Records of all reports that do not meet the criteria of a complaint should be kept by the TPPAS and made available to the department on request.

5 Assessment of a proposed arrangement

Each proposed arrangement is assessed on a case-by-case basis.

5.1 Principles of decisions made by the department

Section 151(1) of the Act provides that the department must decide to:

- approve the TPPAS' proposed arrangement, or
- refuse to approve the arrangement.

The following principles apply to all decisions made by the department:

- decisions are fair and reasonable, impartial, lawful, evidence-based, and transparent
- decisions are consistent with the principles of procedural fairness
- decisions are made by an authorised delegate of the Secretary of the department.

Refer to the [department's website](#) for review of decisions.

5.2 Assessment timeframes

In accordance with section 5-28 of the Animals Rules, the department must complete an assessment of an application for an AA within 120 days (the initial consideration period) of it being lodged and provide notification of its decision to the applicant in writing. The consideration period starts on the day after the department receives the application.

During the proposed arrangement assessment process, the department may request, in writing, further information from the TPPAS to assist with the assessment, under section 379(9) of the Act, which might include conducting an initial systems audit. According to section 379(10) of the Act, these requests for further information must specify the period (which must not be longer than the period prescribed by the rules) within which the request must be complied with. In the absence of a specified timeframe, requests for further information must be complied with within 6 months of the request, in accordance with section 5-29 of the Animals Rules.

In accordance with section 379(5) of the Act, if a request for additional information is made by the department, the initial consideration period will be extended by:

- the number of days until the request is complied with or
- if the request is not complied with, at the end of the period specified in the request (i.e. 6 months)
- if the request involved conducting an initial systems audit, by the number of days taken to perform the audit.

5.3 Application approvals

In accordance with section 151(2) of the Act, the department may decide to approve the proposed arrangement if the department is satisfied, having regard to any matter that the department considers relevant, that the requirements prescribed by the Act and the Animals Rules have been met.

Matters that the department considers to be relevant may include whether the applicant has demonstrated fulfillment of relevant departmental guidelines and policy in demonstrating equivalence of the proposed ESCAO to ESCAS.

If the department approves a proposed arrangement, the department will notify the applicant of its decision in writing (a notice of decision) as per section 153 of the Act, and will publish the name, contact details, and effective date of the approval of the AA on the department's website.

Once an AA has been granted, the TPPAS should facilitate access for the department to all required information and comply with requests for information on entities in relation to which ESCAO have been carried out, in accordance with section 5-17 of the Animals Rules.

5.4 Conditions of an AA

In accordance with section 152 of the Act, once the department approves a proposed arrangement, the AA will be subject to:

- the conditions prescribed by the Act
- the conditions prescribed the Animals Rules (see sections 5-14 to 5-18 of the Animals Rules)
- any additional conditions that the department considers appropriate for the purpose of achieving the outcomes of an AA for ESCAO.

5.4.1 Additional conditions on an AA

Additional conditions will be specified on the notice of decision provided to the applicant.

Conditions may include:

- additional reporting requirements
- additional auditing requirements
- market restrictions.

The department may impose conditions at the time of approving a proposed arrangement, or at any time on an existing AA by subsequent written notice.

5.5 Validity and renewal of an AA

Section 151(3) of the Act provides that the department may set an expiry date for an AA.

AAs for ESCAO are valid for up to 5 years from the date of approval. The AA will remain in force until the end of the expiry date unless:

- the AA is renewed on or before that date, or

- the AA is revoked on or before that date.

Applications to renew an AA must be made using the approved form and:

- in accordance with section 5-19 of the Animals Rules, within the period of 60 days starting on the day that is 180 days before the expiry date for the AA, or
- in accordance with section 155(4)(b) of the Act, if the department allows a longer period, within that longer period.

If the department renews the AA, the department may again nominate an expiry date for the renewed AA.

5.6 Refusal of an application for an AA

In accordance with section 151(1)(b) of the Act, the department may refuse to approve an application for an AA. Consistent with sections 151(1)(b) and 379 of the Act, the department may refuse an application if it is not made using the approved form, does not comply with relevant requirements in the Animals Rules and does not include information and documents required by the approved form.

If the department does not make a decision in relation to the application within the initial consideration period (120 days) of receiving the application, or within the specified period if the initial consideration period is extended under section 379(5) of the Act, the department is taken to have refused the application at the end of that period, in accordance with section 379(2) of the Act.

If the department refuses an application, the department will provide the applicant a written notice of decision, in accordance with section 382 of the Act.

A decision to refuse an application for an AA is a reviewable decision under section 381 of the Act.

6 Administering ESCAO under an approved arrangement

Once a TPPAS obtains an AA, it may begin to administer ESCAO services.

The department will work with the TPPAS to ensure smooth transition of ESCAO implementation for regulated entities.

6.1 Ensuring conformance with assurance rules and standards

In accordance with section 5-16(1) of the Animals Rules, the TPPAS must ensure that ESCAO covered by the AA are carried out in accordance with the assurance rules provided by the AA.

In accordance with section 5-16(2), a TPPAS under an AA must not give an assurance in relation to an entity unless:

- an audit has been conducted in accordance with the AA in relation to the export operations carried out at or by the entity, and the construction of the premises, and the equipment and facilities used at the premises where operations are carried out, and
- the audit finds that the operations and the premises meet the assurance standards.

The TPPAS is responsible for verifying the ongoing conformity of certified entities to the TPPAS' assurance rules and assurance standards, and hence their compliance with ESCAS, through the implementation of a risk-based audit system.

6.2 Assessment of entities applying for certification

Once a TPPAS' AA is approved, an entity (exporter, importer, feedlot or abattoir) intending to handle Australian feeder and slaughter livestock in accordance with ESCAS requirements may apply in writing to a TPPAS for certification. The TPPAS should notify the entity and the department, in writing, of the decision to approve or refuse an application for certification under its assurance rules and assurance standards.

The entity should, at minimum, satisfy the TPPAS that it can meet the requirements of the TPPAS' assurance rules and assurance standards in accordance with the following criteria:

- it has systems in place to conform with the TPPAS' assurance rules and assurance standards
- it will provide timely access to external auditors, approved certification bodies and/or the TPPAS to their systems, facilities, procedures, records, livestock and personnel (including where their certification is suspended or revoked)
- its employees, and any contractors, are appropriately trained
- in the case of an exporter or importer, it has traceability systems in place to identify the locations of all feeder and slaughter livestock exported. Traceability systems must be capable of

reconciling livestock movement to show that livestock have remained in custody of certified exporters, importers and facilities

- in the case of a feedlot or abattoir, it has standard operating procedures that are easily accessible to staff and stored in a knowledge base
- in the case of a feedlot or abattoir, it has trained staff to verify and audit animal welfare and traceability at critical control points
- it consents to all information collected by the TPPAS to be shared with the department for the purposes of administration or enforcement under the Animals Rules and other relevant departmental policy, and the requirements placed on exporters under the Act.

Certified entities (including exporters) are responsible for ensuring ongoing conformity with the requirements under the TPPAS' assurance standards and rules.

6.3 Addressing non-conformities by certified entities

The identification of non-conformities can reasonably be expected as part of an effective continuous improvement process and quality assurance system. This may not indicate a failure of the assurance services or of the certified entity's systems, as long as the issue is promptly identified, reported and effectively addressed in a manner that rectifies the non-conformity and prevents its reoccurrence.

The TPPAS must ensure that non-conformities by certified entities are managed in accordance with its assurance services as provided by its AA (see also section 4.12.1 of this guideline).

6.4 Reporting requirements

Provisions for the written request, obtainment and use of information from a TPPAS by the department are described in sections 5-17 and 5-25 of the Animals Rules. TPPAS' quarterly reporting requirements are described in section 5-18 of the Animals Rules.

6.4.1 Quarterly reporting

A TPPAS must provide quarterly reports to the department every 3 months.

Reporting periods are as follows:

- 1 January to 31 March
- 1 April to 30 June
- 1 July to 30 September
- 1 October to 31 December

If an AA ceases to be in force, the TPPAS must provide a written report to the department, as soon as practicable after the cessation of the AA, on the ESCAO carried out during the reporting period after the period covered by the most recent report.

Detailed requirements and templates for quarterly reporting are contained in the TPPAS Periodic Reporting Requirements.

6.4.2 Requests from the department

Refer to section 5-17 of the Animals Rules, for requirements for information provision to the department, by holders of an AA for ESCAO, on entities in relation to which ESCAO have been carried out.

For the department to carry out its responsibilities for regulating livestock exports in accordance with the Act and Animals Rules, it requires timely access to current and reliable information about the operations covered by the AA, the status of entities certified by the TPPAS, and applicant entities seeking certification from the TPPAS for carrying out livestock export operations. This information may include details of certified entities or applicants, such as the name, location, certification date and scope (i.e. market, method of slaughter, species) and certification status of these entities. The TPPAS should ensure that all information collected through the provision of assurance services is available to the department upon request. This information may be reviewed during an audit of the TPPAS, during a non-compliance investigation or other circumstance provided for in legislation.

6.4.3 Publication of information

For the department to continue to meet community expectations and government policy, it is essential that the transparency and reporting of ESCAS incidents is maintained.

While use of a TPPAS remains voluntary, ESCAS reporting will utilise information from traditionally run ESCAS systems and information obtained by a TPPAS under an ESCAO arrangement to provide an equivalent level of transparency as under the ESCAS framework.

6.5 Non-compliances with ESCAS involving certified entities

For certified livestock exporters, non-conformities with a TPPAS' assurance rules and standards may constitute an ESCAS non-compliance. This may not always be the case; the department expects that a TPPAS' assurance rules and standards encompass aspects of the company's operations that extend beyond the scope of providing assurance to ESCAS principles. Certified entities should report alleged non-conformities (including potential ESCAS non-compliances) to the TPPAS in accordance with the TPPAS' assurance rules and processes.

Allegations from third parties may be reported to either the TPPAS or the department. The department may subsequently refer complaints to the TPPAS for handling, where the parties involved are certified entities.

The TPPAS is responsible for determining which non-conformities by certified entities may also constitute non-compliance with ESCAS, potentially resulting in compromises to animal welfare, control and traceability outcomes. The categorisation of non-compliances (i.e. minor, major and critical) is contained in the TPPAS Periodic Reporting Requirements.

6.5.1 Reporting non-compliances to the department

The TPPAS must report alleged and confirmed ESCAS non-compliances to the department in accordance with its AA and reporting requirements.

TPPAS are required to report on ESCAS non-compliances in each quarterly report to the department (see section 6.4.1). Depending on the nature and severity of the non-compliance, a TPPAS may also

be required to report to the department within a more immediate timeframe (e.g. for critical non-compliances).

Reports to the department should include the type of the alleged non-compliance (i.e. animal welfare, control or traceability-related), the category of the non-compliance (i.e. minor, major or critical), the entities involved, the species of animal(s) involved, investigative actions taken and if applicable, interim measures taken to safeguard animal welfare, control and traceability outcomes for animals remaining at risk of further non-compliance. Content requirements and associated templates for these reports can be found in the TPPAS Periodic Reporting Requirements.

The TPPAS should provide a written final report to the department as soon as practicable following the resolution of the non-compliance, describing the corrective actions taken, the verification of the effectiveness of these corrective actions and the effects, if any, on the entities' certification.

The department might, on a case-by-case basis, request information on an ongoing investigation of a non-compliance (refer section 6.4.2).

6.5.2 Systemic failure

The department retains the ability to investigate or apply compliance measures in the event of a report of a critical non-compliance by certified entities, resulting in systemic failure to meet ESCAS animal welfare, control or traceability requirements.

Where an investigation involving certified entities is conducted, the department may work with and utilise the TPPAS' investigative processes as the primary investigation method.

6.6 Suspension or revocation of a certified entity's certification

If a TPPAS suspends or revokes a certified entity's certification for reasons other than non-compliance with ESCAS, the TPPAS should:

- notify the department in writing within one business day of the suspension or revocation taking effect
- include in the above notification the reason for suspension or revocation of the entity's certification
- provide details of what actions are being taken to ensure that any feeder and slaughter livestock of Australian origin that remain under the control of that entity are handled and slaughtered in accordance with ESCAS
- report in writing to the department, as soon as practicable, when it has been verified that feeder and slaughter livestock of Australian origin that remained under the control of that entity have been handled and slaughtered in accordance with ESCAS.

If a TPPAS suspends or revokes a certified entity's certification due to non-compliance(s) with ESCAS, in addition to the above information, the TPPAS should also provide a written report to the department detailing the nature of the non-compliance, the circumstances leading to the decision to suspend or revoke the entity's certification (including investigations and information collected as part of the investigations) as soon as practicable following the entity's suspension or revocation.

If the certified entity is a livestock exporter, this information may be used by the department to consider what, if any, action it may take in relation to the exporter's Australian livestock export license.

This information must also be included in quarterly reports to the department (see section 6.5.1).

6.7 Fees and charges levied by a TPPAS on entities

The department does not have a role in setting or reviewing any fees or charges levied by a TPPAS on any entity applying to use or that use a TPPAS.

6.8 Departmental audits

The department will carry out audits of the TPPAS, in accordance with the Animals Rules and the Act, to verify the TPPAS' ongoing ability to implement its assurance rules and assurance standards in accordance with its AA.

Audits will be conducted by an authorised officer or approved auditor, in accordance with Part 1 of Chapter 9 of the Act. Departmental audits will be charged in accordance with the department's live animal export cost recovery arrangement, as detailed in the Cost recovery implementation statement for live animal exports on the department's website.

7 Variation of an approved arrangement

An AA may be varied under certain circumstances, and the process differs depending on the nature of the variation (i.e. significant or non-significant variations).

For non-significant variations, the TPPAS must make a written record of the variation and the reasons for the variation. Non-significant variations do not require an application to the department for approval.

For significant variations, the TPPAS must apply to the department for approval.

There may also be circumstances where the department requires the TPPAS to vary its AA or conditions of its AA (under section 165 of the Act).

7.1 Application by a TPPAS for variation

In accordance with section 161(1) of the Act, the TPPAS must apply in writing to the department for approvals of significant variations to its AA or conditions on its AA. These applications must be made using the approved form as soon as practicable after the TPPAS becomes aware of the impending variation or the intention to vary its AA or conditions on its AA.

In considering whether or not to approve applications for significant variations to an AA, the department will consider any impact these variations could have on the delivery of operations covered by the AA. This is in accordance with section 5-20 of the Animals Rules, which requires that the requirements for approval of a proposed arrangement must continue to be met, in the event that an AA is varied.

7.2 Significant variations

Grounds for a significant variation to an ESCAO AA are listed in section 5-21 of the Animals Rules.

Depending on the nature of the variation and the extent to which it might affect the TPPAS' ability to carry out ESCAO in accordance with its AA, the department might require an audit under section 266(1)(a) of the Act to inform its decision to approve a variation.

Examples of variations for which the department may require an audit prior to a decision on the variation application include:

- a significant change to the TPPAS' systems and processes (including IT systems) which might impact the TPPAS' ability to implement ESCAO in accordance with its AA
- a significant change to the TPPAS's assurance rules and/or assurance standards which might affect the equivalence of the provided ESCAO to ESCAS.

In accordance with section 163 of the Act, the holder of the AA might commit an offence or be liable to a civil penalty or fault-based offence if significant variation(s) to the AA are implemented without

approval from the department, or if the significant variation(s) are approved by the department but implemented prior to the department giving the holder of the AA notice of this approval.

7.2.1 Commencement of a new market

A new market refers to an importing country in which an active supply chain did not exist at the time of approval of the TPPAS' AA. The department will notify the TPPAS within 10 business days of approving an ESCAS in a new importing country.

If trade commences in a new importing country, the TPPAS should:

- develop an implementation plan in that country
- apply for a variation to its AA.

If the TPPAS cannot offer ESCAO in the new market, they must provide in writing to the department, as soon as practicable, the reason(s) why assurance services cannot be provided.

The department acknowledges that a TPPAS may wish to adopt a risk-based approach to roll-out operations in the new market, and the roll-out period will be agreed by the department and the TPPAS on a case-by-case basis.

7.3 Notice of the department's decision for a variation

Section 161(2) of the Act provides that the department must decide:

- to approve the variation to an AA or variation to the conditions on an AA, or
- to refuse to approve the variation.

The department will notify the TPPAS of its decision to approve or refuse the application for variation within 120 days (the initial consideration period) of receiving the application, or within the specified period if the initial consideration period is extended under section 379(5) of the Act. In accordance with section 379 of the Act, if the department does not make a decision in relation to the application within the initial consideration period, the department is taken to have refused the application at the end of that period.

If the department approves a variation to an AA or varies the conditions on an AA, the department must give the holder of the AA written notice of the approval or variation in accordance with section 162(2) of the Act.

A decision to refuse an application to vary an AA or a condition on an AA is a reviewable decision.

8 Suspension or revocation of an approved arrangement

8.1 Suspension of an AA

8.1.1 Holder may request suspension

Section 169 of the Act provides that the holder of an AA may request the department to suspend of the AA or part of the AA and that this request may be made only for circumstances specified in the Animals Rules.

8.1.2 Reasons for suspension

Section 5-22 of the Animals Rules provides that it is a ground for suspending an AA for ESCAO that the holder does not have the financial resources to carry out the ESCAO in accordance with the AA. Other grounds for suspension of an AA are laid out in section 171(1) of the Act. An AA may also be suspended if the requirements for approval of a proposed arrangement provided in section 151(2) of the Act are no longer met.

The suspension may be:

- in full, or
- in part – for example, in relation to a destination country for livestock.

The suspension must not be for more than 12 months. A decision to suspend an AA is a reviewable decision.

8.1.3 Notice of suspension

If suspending an AA, the department must provide the TPPAS with written notice of a proposed suspension of an AA or part of an AA. Refer to sections 171(2) and 171(3) of the Act for requirements on notices of proposed suspension.

8.1.4 Suspension conditions and variations

In accordance with section 177 of the Act, export operations must not be carried out while an AA is suspended. The TPPAS may commit an offence or be liable to a civil penalty if export operations in relation to which the AA was suspended are carried out while the AA is suspended.

In accordance with sections 174 and 175 of the Act respectively, the department may vary or revoke the suspension of the AA, or part of the AA at any time. However, when varying suspensions, the total period of the suspension must not exceed 12 months.

The department may lift a suspension at any time if the TPPAS can demonstrate that it has addressed the causes for suspension, and completed any corrective actions as required. This may require the TPPAS to undergo an additional audit, at the cost of the TPPAS. The department will provide written notification to the TPPAS if the suspension is to be lifted.

8.2 Revocation of an AA

8.2.1 Holder may request revocation

Section 178 of the Act provides that the holder of an AA (including an AA that has been partially or wholly suspended) may request, in writing, for the department to revoke their AA. This written application must include any information required by the Animals Rules. The department must provide written notice to the holder of the AA, revoking the AA with effect from the day stated on this notice.

The exception is if/where the holder of the AA requests for the revocation of their AA after the department had provided a notice of revocation of their AA (see section 8.2.3 of this guideline and section 179(2) of the Act), or if the department had not decided whether to revoke an AA before the request was made.

8.2.2 Reasons for revocation

Section 5-23 of the Animals Rules provides that it is a ground for revoking an AA for ESCAO that the holder does not have the financial resources to carry out the ESCAO in accordance with the AA. Other grounds for revocation of an AA (including an AA that is suspended, or part of which is suspended) are laid out in section 179(1) of the Act. An AA may also be revoked if the requirements for approval of a proposed arrangement provided in section 151(2) of the Act are no longer met.

8.2.3 Notice of revocation

The department must provide the TPPAS a written notice of proposed revocation. Refer to sections 179(2) and 179(3) of the Act for requirements on notices of proposed revocation.

If the department decides to revoke an AA, the department will provide the TPPAS a written notice in accordance with section 181 of the Act stating the following information:

- that the AA is to be revoked
- the reasons for the revocation
- the date the revocation is to take effect.

8.2.4 Revocation conditions

Export operations must not be carried out after the AA has been revoked. Under section 182 of the Act, the TPPAS may commit an offence or be liable to a civil penalty if export operations that were covered by the AA are carried out after the revocation took effect.

If an AA is revoked, it can only be re-instated by the TPPAS submitting a new application for an AA to the department using the approved form.

8.2.5 Action to be taken following the revocation of an AA

In accordance with section 183(2) of the Act, the department may, in writing, direct the TPPAS to take specified action, within a specified period after the AA has been revoked, in relation to ESCAO that were covered by the AA. This action may be necessary to ensure the ESCAS requirements of animal welfare, control, traceability and independent auditing have not been compromised following the revocation of the AA.

For instance, the department might require that a TPPAS facilitates access to its records of ESCAO activities and operations previously covered by its AA, and to facilities previously certified by its AA, to ensure or verify that no Australian feeder and slaughter livestock remain at these facilities, or if they are, that they are accounted for under the implementation of the TPPAS' wind-up plan (see section 4.8 of this guideline).

8.2.6 Transitional arrangements for certified entities

A TPPAS that has received a notice of revocation of its AA should implement its wind-up plan, to support and ensure that certified entities are completely transitioned to alternative arrangements by the time the revocation takes effect. Exporters will need to seek certification through an alternative TPPAS or, where an alternative TPPAS is not available, should apply to the department to vary their ESCAS in accordance with legislation (i.e. to reinstate traditional ESCAS arrangements).

9 Non-compliance by a TPPAS

If the department receives a report of, or detects during an audit, an instance of alleged non-compliance by a TPPAS, its individual employees or contractors, the department will investigate the alleged non-compliance. The TPPAS may be required to provide evidence or access to information to support the department's investigation.

If the TPPAS itself identifies a non-compliance, the TPPAS should notify the department and support the department's investigation into the reported non-compliance.

9.1 Critical non-compliance by a TPPAS

A TPPAS must prioritise an investigation into any of the following alleged and/or detected non-compliances:

- the TPPAS has failed to comply with the conditions of its AA (including that the requirements for approval must continue to be met) in a way that compromises its ability to deliver assurances at least equivalent to ESCAS principles
- the TPPAS has failed to comply with relevant provisions in the Act and the Animals Rules in a way that compromises its ability to deliver assurances at least equivalent to ESCAS principles
- the TPPAS has refused or failed to support requests for information from the department regarding an alleged non-compliance within the agreed period
- the TPPAS has not provided a reasonable explanation as to why it has not addressed a non-compliance
- the department has evidence of significant bias or misconduct by the TPPAS in the conduct of its operations.

A report on the investigation(s) conducted must be provided to the department within a stipulated period, addressing:

- any immediate actions to prevent further issues while the matter is investigated
- any planned or implemented corrective actions
- estimated timeframe for close-out of the corrective action(s)
- verification of the effectiveness of a corrective action and the close-out of the corrective action when this occurs.

In cases of critical non-compliance by a TPPAS, the department will evaluate the evidence and take appropriate action that may include:

- conducting a systems audit
- suspending the TPPAS' AA while the matter is investigated
- revoking the TPPAS' AA
- referring the matter to the Director of Public Prosecutions.

9.2 Penalties for contravention of an AA

Penalties for contravention of AA conditions (conditions that are not subject to suspension or revocation) are contained in section 184 of the Act.

9.3 Publication of compliance investigations

A summary of all regulatory compliance investigations will be periodically published on the department's website. The department may also place a notice about a TPPAS' non-compliance on its website.

10 Sharing and handling of confidential information

10.1 Information sharing

The sharing of information between a TPPAS and the department is necessary to enable both parties to carry out their roles and responsibilities in accordance with the Act, the Animals Rules, the TPPAS' AA, and relevant policy. Both parties will be expected to share and handle information as required by the terms of the Animals Rules and the Act, and in accordance with the Privacy Act 1988.

The TPPAS will be required to provide information to the department including:

- information relating to the TPPAS' functions and operations, as required under the Animals Rules and the Act, and as outlined in its AA
- details of or about certified entities
- reports of investigations of alleged non-conformities or non-compliances.

10.2 Commercially sensitive information

Commercially sensitive information includes information that contains trade secrets, financial arrangements or is of commercial value, which if disclosed, could cause commercial, financial, competitive or other disadvantage or detriment to a party. It also includes personal information, the disclosure of which would be unreasonable.

If any confidential information that a party provides pursuant to legislation is commercially sensitive, the party should advise the other of that fact and mark, in a prominent position on the information, the words 'commercially sensitive' and/or 'personal information'.

The party receiving the commercially sensitive and/or personal information should maintain security measures in accordance with the Protective Security Policy Framework to safeguard the information from unauthorised access or use.

Glossary

Term	Definition
Act	The <i>Export Control Act 2020</i> (the Act), being the legislative act that provides the overarching legislative framework for exporting live animals and animal reproductive materials.
Animals Rules	The Export Control (Animals) Rules 2021 (the Animals Rules), being the legislative instrument provided by the Act that prescribes matters and makes other provisions in relation to certain livestock (prescribed livestock), other live animals (prescribed live animals), and animal reproductive material (prescribed animal reproductive material) for the purposes of the Act.
applicant	A third-party provider of assurance services (TPPAS) applying for the approval of a proposed arrangement to carry out exporter supply chain assurance operations (ESCAO), and includes the company director and all persons who would manage or control the operations covered by the proposed arrangement.
approved arrangement (AA)	For the purpose of this guideline, an arrangement held by a TPPAS that has been approved by the department for the purpose of carrying out ESCAO in relation to the export of feeder and slaughter livestock.
approved ESCAS	An ESCAS approved under section 6-37(1)(a) of the Animals Rules.
approved form	The Exporter Supply Chain Assurance Operations – new application, renewal, and variations form. This form is approved under section 377(1) of the Act for applications to the department from prospective TPPAS for approval of proposed arrangements to carry out ESCAO.
assurance rules	A TPPAS' documented overarching principles that guide the constitution of the ESCAO program's assurance standards, and the development, administration and application of assurance services provided. Assurance rules are provided for in section 5-11(1)(a) of the Animals Rules.
assurance services	For the purpose of this guideline, the ESCAO program administered by a TPPAS under an AA granted by the department, and includes the assurance rules and assurance standards and the processes, systems and procedures developed and implemented in accordance with this framework. An approved TPPAS' assurance services must demonstrate, at minimum, equivalence to ESCAS requirements for animal welfare, control, traceability, and independent auditing of exported feeder and slaughter livestock.
assurance standards	A TPPAS' documented requirements that must be fulfilled by export supply chain entities to attain initial and/or maintain ongoing certification in the TPPAS' assurance program, administered in accordance with an AA with the department. These requirements must be at least equivalent to the ESCAS requirements and principles of animal welfare, control, traceability and independent auditing.
Australian livestock export licence	Licence to export livestock granted to an exporter by the Secretary following the satisfaction of relevant requirements in the Act and the Animals Rules, in accordance with section 191(2) of the Act.
certification body	An independent party that may be engaged by a TPPAS to provide auditing, assessment and certification services, accredited by an appropriate authority against internationally recognised auditing standards.
certified entity	For the purpose of this guideline, all exporters, importers, feedlots and abattoirs that have been endorsed by a TPPAS as fulfilling relevant assurance standards under the TPPAS' assurance program.
certified entity applicant	For the purpose of this guideline, an applicant seeking certification by a TPPAS for exporting, importing, slaughtering (in the case of abattoirs) and handling (in the case of feedlots and abattoirs) Australian feeder and slaughter livestock.
closed out	The resolution of a non-conformity where effective corrective action has been verified as undertaken by or on behalf of the TPPAS.

Guideline for exporter supply chain assurance operations approved arrangements

Term	Definition
complaint	<p>An expression of concern made to a TPPAS or the department. This can include, but is not limited to:</p> <ul style="list-style-type: none"> • the performance of the TPPAS, its employees or agents in relation to the AA • the conditions of approval of a proposed arrangement • an entity certified by the TPPAS.
corrective action	<p>Action taken to eliminate the cause of a non-compliance or non-conformity to prevent reoccurrence by either:</p> <ul style="list-style-type: none"> • a TPPAS, to address a non-compliance under the AA • a certified entity, to address a non-conformity under the TPPAS' assurance services.
corrective action request (CAR)	<p>A documented request:</p> <ul style="list-style-type: none"> • from the department to formally notify a TPPAS of required corrective action to address a non-compliance identified at a review or audit of the TPPAS undertaken by the department • from the TPPAS, or from the certification body on behalf of the TPPAS, to formally notify a certified entity of a required corrective action to address a non-conformity with the TPPAS' assurance rules and/or assurance standards identified at review or audit undertaken by or on behalf of the TPPAS • a formal notification of required corrective action from an identified non-compliance or non-conformity resulting from an internal audit by a TPPAS, certification body or certified entity.
critical control point	<p>A step in a process at which a control measure can be applied to reduce or eliminate the risk of an animal welfare, control or traceability non-compliance occurring.</p>
critical non-compliance	<p>A failure of an exporter to comply with their approved ESCAS, or a failure of a holder of an ESCAO approved arrangement to comply with their AA, that:</p> <ul style="list-style-type: none"> • results in animal welfare, control, or traceability outcomes not being met, or • is certain to affect animal welfare, control, and traceability outcomes.
delegate	<p>An employee within the department to whom the Secretary of the department may confer (delegate) their authority for certain functions or powers under the Act, or Animals Rules. This does not include certain powers, including the power to make rules.</p>
department	<p>The Commonwealth government department responsible for the regulation of live animal exports. At the time of publishing of this guideline, this is the Department of Agriculture, Fisheries and Forestry.</p>
entity	<p>When used in the context of exporter supply chain assurance operations, means:</p> <ul style="list-style-type: none"> • a facility in another country where operations in relation to a kind of feeder or slaughter livestock (e.g. feedlot, depot or abattoir) are carried out • an operator responsible for consigning (i.e. exporter) or receiving (i.e. importer) exported feeder and/or slaughter livestock.
export operations	<p>Activities and processes in relation to goods that have been exported up until the delivery of the goods to their final overseas destination or, in the case of live animals intended to be slaughtered, up until and including the point of slaughter.</p>
exporter	<p>For the purpose of this document, an entity that consigns feeder and/or slaughter livestock to an importer in an importing country, and holds an Australian livestock export licence.</p>
Exporter Supply Chain Assurance Operations (ESCAO)	<p>Activities and processes carried out by a TPPAS as part of assurance services administered under an AA with the department. These assurance services assist exporters to meet their ESCAS obligations under Part 9 of Chapter 6 of the Animals Rules.</p>
Exporter Supply Chain Assurance System (ESCAS)	<p>An assurance system that requires exporters to have arrangements with supply chain partners (e.g. importers, feedlots, abattoirs) in importing countries to provide humane treatment and handling of Australian feeder and slaughter livestock from arrival in the importing country up to and including the point of slaughter.</p>

Guideline for exporter supply chain assurance operations approved arrangements

Term	Definition
facility	Any abattoir, depot, feedlot or other supply chain premises which handles or manages livestock.
feeder livestock	Exported livestock that are intended to be fattened before being slaughtered for food.
importer	For the purpose of this guideline, an entity that receives feeder and/or slaughter livestock in an importing country, from an exporter.
livestock	As defined in the Animals Rules to mean cattle, sheep, goats, deer, buffalo and camelids, and includes the young of any of those animals.
non-compliance	A failure of an exporter to comply with their approved ESCAS, or a failure of a holder of an ESCAO approved arrangement to comply with their AA, which has the capacity to adversely impact the achievement of animal welfare, control, and traceability outcomes.
non-conformity	A failure by a certified entity to fulfil requirements under the TPPAS' assurance rules and/or assurance standards against which the entity is certified.
Notice of Intention (NOI)	For the purpose of this guideline, refers to the written notification to the department on the intent to export livestock. The NOI must identify the ESCAS approval that will apply to the proposed export and must be submitted at least 10 working days before the proposed export or 10 working days before any required quarantine or isolation begins, in accordance with the Animals Rules.
person in management or control	Staff employed by a TPPAS who have the authority to direct: <ul style="list-style-type: none"> • the export operations, or an important part of the export operations of the business or proposed business, or • another person who has or would have the authority to direct a person as described above in the exercise of that authority or proposed authority.
proposed arrangement (PA)	An arrangement proposed by a prospective TPPAS for approval by the department to carry out exporter supply chain assurance operations.
reviewable decision	A reviewable decision under section 381 of the Act.
revoke	The cancellation of a TPPAS' AA or an entity's certification.
Secretary	The Secretary of the department, or their delegate.
suspend	The cessation of a TPPAS' approved arrangement or the loss of certification by a certified entity for a specified period of time.
system	The processes, rules, standards, or procedures that support the TPPAS' operations or assurance services.
systems audit	An audit of an organisation's documentation, standards or operational procedures to assess the fulfillment of relevant policy and legislative requirements.
third-party provider of assurance services (TPPAS)	A company that holds an AA with the department to undertake ESCAO.

Document control

The Guideline for exporter supply chain assurance operations approved arrangements is maintained by the Live Animal Export Branch.

Date of update	Author	Reason for change
November 2023	Live Animal Export Branch	First publication of this document