



Australian Government
**Department of Agriculture,
Fisheries and Forestry**

Performance Management and Compliance Guidelines

Approved Arrangements for livestock exporters

These guidelines are subject to amendment. Please ensure that you refer to the most recent version of these guidelines.

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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.

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Definitions

Term	Definition
Approved arrangement (AA)	The Approved Arrangement for the export of livestock. A legal arrangement that prescribes the processes and practices that will be undertaken by the exporter to meet the Australian Standards for the Export of Livestock (ASEL), importing country requirements and relevant Australian Government legislation and other requirements for the export of livestock. The arrangement must have been approved by the Secretary of the Department of Agriculture, Fisheries and Forestry under the <i>Export Control Act 2020</i> .
Auditor	Departmental officers with appropriate auditing qualifications.
Accredited Veterinarian (AAV)	A veterinarian who is accredited under the <i>Export Control (Animals) Rules 2021</i> to carry out export operations in approved export programs.
Australian Standards for the Export of Livestock (ASEL)	The standards represent the basic animal health and welfare requirements for the conduct of livestock exports, which the Australian Government requires exporters to meet.
Consignment Specific Export Plan (CSEP)	An export plan specific to the individual characteristics of a consignment. This is developed from the Standard Export Plan and includes all relevant documents to the consignment.
Core documents	Export documentation required for a departmental veterinary officer to certify an export consignment.
Corrective action request (CAR)	An official request from the department to formally notify an exporter of required corrective action from an identified non-compliance resulting from a review or audit undertaken by the department.
Department of Agriculture, Fisheries and Forestry (the department)	The Australian Government Department of Agriculture, Fisheries and Forestry. The department is the competent authority for livestock exports.
Elements	The approved arrangement guidelines contain 11 elements. Each element needs to be addressed in the exporter's approved arrangement.
Export Permit	A permit issued by the Secretary under the <i>Export Control Act 2020</i> to export live animals from Australia.
Export Supply Chain Assurance Scheme (ESCAS)	An assurance system that requires exporters to have commercial arrangements with supply chain partners (e.g. importers, feedlots, abattoirs) in importing countries to provide humane treatment and handling of livestock from arrival in the importing country up to the point of slaughter.
Exporter	A holder of a livestock export licence under the <i>Export Control Act 2020</i> .
Guidelines	These 'Performance Management and Compliance Guidelines Approved Arrangements for livestock exporters'.

Term	Definition
Health certificate	A certificate issued by an authorised officer under the <i>Export Control (Animals) Rules 2021</i> , stating the relevant animals meet importing country requirements regarding their health.
Impact Level	An assessment of the level of compliance with ASEL, importing country and relevant Australian Government legislation and other requirements during livestock inspection and documentation verification.
Importing country requirements	Requirement set by a government body in an importing country that must be met in order for a product to be imported into that country.
Livestock	Cattle, sheep, goats, deer, buffalo and camelids (camels, llamas, alpacas and vicunas), including the young of an animal of those kinds.
Livestock Export Consignment Report (LECR)	A report completed by regional departmental veterinary officers to record outcomes of livestock inspection and documentation verification.
Manual of Importing Country Requirements (MICO R)	MICO R sets out importing country requirements that Australian exporters must comply with.
Notice of intention (NOI)	The notice of intention to export livestock, received by the department from an exporter under section 243 of the <i>Export Control Act 2020</i> .
Performance cycle	An audit and all the consignments that occurred between that audit and the previous audit. For example—an exporter is audited on 1 July and then undertakes eight consignments in the time until they are next audited on 1 September. The eight consignments and the audit on 1 September are considered to be one audit cycle.
Performance level rating	A rating given by the department based on an exporter’s performance (audits and consignment impact ratings) demonstrating compliance with ASEL, importing country requirements and relevant Australian Government legislation and other requirements. The Performance Level rating influences the frequency of audits.
Principal Veterinary Officer (PVO)	A senior veterinary officer employed by the department.
Provisional Exporter	A new exporter with an approved arrangement who has not yet completed a compliant performance cycle to move to Performance Level 1, or an exporter whose approved arrangement was suspended or revoked and has now resumed exporting following a compliant audit.
Registered establishment or approved premises	Premises registered for the export of livestock by sea and approved by the department for the export of livestock by air, for holding and assembling livestock for export, for pre-export quarantine or for isolation of livestock for export.

Term	Definition
Satisfactory Consignment	A consignment that has an Impact Level rating of 1 or below.
Senior Officer	A Principal Veterinary Officer or other designated officer who can make decisions on behalf of the department with respect to Health Certificates, Export Permits and Live Animal Exports.
Standard Export Plan (SEP)	A detailed plan showing how exporters will meet all relevant Australian Government legislation, standards and importing country requirements (outside of those covered in the approved arrangement) for the market, species, class and mode of transport for which it intends to export.
Systems audit	An audit of both documentation and operational procedures designed to assess the overall performance of an exporter's business.
Tracking Animal Certification for Export (TRACE)	The IT system which manages the booking processes for consignments of livestock exported from Australia, as well as applications for livestock export licences, registered premises and AAVs.
Verification	Confirmation, including documentation as evidence, that procedures have been conducted accurately and in accordance with the requirements of the approved arrangement.

1 Purpose

The purpose of these guidelines is to outline how livestock exporter performance and compliance is managed by the Department of Agriculture, Fisheries and Forestry (the department) under approved arrangements for the export of livestock (AAs).

This document provides:

- an outline of the performance management and compliance framework to be applied to exporters under AA's to ensure consistency and fairness
- assurances to importing countries that appropriate systems are in place to ensure compliance with their import requirements
- assurances to the general public that systems are in place to manage the performance of exporters and facilitate good animal health and welfare outcomes.

A formal review of the guidelines will be conducted at least annually to ensure the effectiveness of the policy.

2 Scope

These guidelines outline the department's framework for managing performance and compliance with AA's, as legislated under the *Export Control Act 2020* (Export Control Act). It covers the audit, inspection and verification controls in place to support the ongoing export of livestock from Australia.

These guidelines do not apply to the performance and compliance of exporters in relation to the Export Supply Chain Assurance System (ESCAS), the performance and compliance of other regulated entities involved in the export of livestock (i.e. registered establishment or accredited veterinarians); or compliance with State and Territory regulations unless they are a specific requirement for the export of livestock.

3 Background

Australia's livestock exports are regulated through a number of mechanisms designed to facilitate the health and welfare of livestock is maintained throughout the supply chain and all relevant importing country requirements are met. This includes adherence to the *Export Control Act 2020*, the Export Control (Animals) Rules 2021 and the Australian Standards for the Export of Livestock (ASEL).

The ASEL sets standards for the sourcing, preparation, handling, loading and transport of exported livestock. Importing country requirements are set via protocols agreed between the department and the competent authority of the importing country or outlined in an import permit issued by the importing country. Australian Government legislation covers a range of requirements, including export licenses, export permits, health certificates, AA's, ESCAS, registered establishment (RE), approved premises, accredited veterinarians (AAV), fees and charges and other regulations as they relate to the export of livestock.

An AA refers to the documented system, agreed to between an exporter and the department, to manage the exporter's compliance with ASEL, relevant legislation and the importing country requirements during the sourcing, transportation, preparation and export of livestock. The AA covers the species, classes, importing countries and modes of transport the exporter specifies they will use to export livestock, and describes the business systems and procedures they have implemented to ensure ongoing compliance with all relevant requirements.

4 Performance management and compliance framework

The department seeks to effectively manage risks associated with livestock exports while minimising the regulatory burden on exporters. The department manages these risks by using various mechanisms to manage exporter performance. In managing performance, the department ensures it:

- is accountable, transparent, consistent and fair in dealings with livestock exporters
- is responsive to changing livestock export risks while minimising the regulatory impact on compliant exporters
- implements regulatory response measures that are proportionate to the degree of non-compliance
- engages with exporters to encourage compliance with export regulations
- reduces regulatory intervention, costs and red tape for participants that comply with AA's.

Mechanisms used by the department to monitor performance include audits, inspection of livestock and verification of documentation. A range of indicators are used by the department to inform an exporter's performance, including any livestock export incidents such as notifiable mortalities and/or issues identified by importing countries, as well as tracking of mortality rates.

All exporters with a new AA begin as a 'provisional exporter' and are subject to the highest scale of regulatory oversight. Through the course of their business, exporters are required to demonstrate compliance with their AA, through a staged approach. Regulatory oversight by the department is higher during initial stages of the implementation of the AA and, as the exporter progresses through the performance management framework, oversight of all phases of the export process decreases once regular compliance has been demonstrated (Figure 1).

The scale of ongoing regulatory oversight of the exporter will then depend on an individual exporter's performance over time and may increase based on poor performance, remain stable based on marginal performance or reduce based on compliant performance.

Additional regulatory action may be applied by the department as appropriate.

5 Transitional arrangements

Established exporters (i.e. those that have exported more than four consignments or more than 400 head of livestock over the past 12-months, and have no conditions applied to export licences relating to the preparation of livestock) that have submitted an arrangement proposal to the department for assessment by 31 December 2016 will commence exporting under transition arrangements (Figure 1).

During this transition phase, all livestock and documents will be inspected and verified for three consecutive consignments. If any issues are identified with the consignments, the regional departmental veterinary officer (VO) may assist the exporter in rectifying these and, where appropriate, issue a health certificate and export permit once they are satisfied the consignment meets all export requirements.

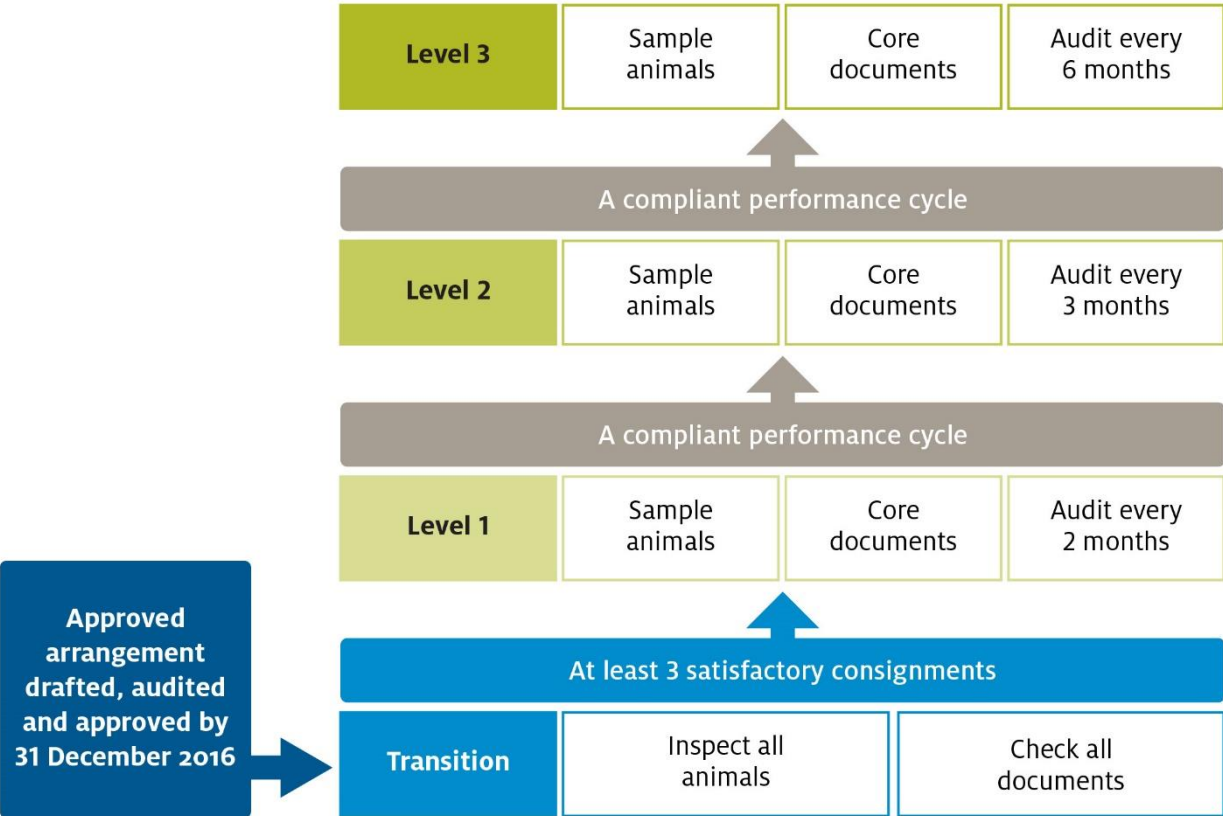
If a consignment records no greater than an Impact Level 1 rating (see [section 6.1.3](#) for definitions) for any of these three consignments, the exporter may progress to Performance Level 1 and subsequent performance levels once ongoing, compliant performance is demonstrated. If an exporter receives an Impact Level 3 rating during the first three consecutive consignments, the exporter will be required to complete an additional three consecutive consignments at full inspection and verification.

Exporters may only operate under transitional arrangements for up to six consignments. If issues are identified after the sixth consignment, the exporter will operate as a provisional exporter (see [section 7.4](#)) and, depending on the identified issues, may be suspended until it can be demonstrated that the AA is being complied with.

If an Impact Level 4 rating is recorded during transitional arrangements, the AA will be suspended, an investigation will be conducted by the department and the AA arrangement may be revoked.

If an established exporter has not submitted an arrangement proposal to the department for assessment by 31 December 2016, it will be ineligible to commence exports under transition arrangements and will be required to commence exporting as a provisional exporter. Transitional provisions will not be available after 31 December 2016.

Figure 1 Transition arrangements



6 Performance measures

Exporter performance is monitored by the department through a range of processes, including inspection of livestock, verification of documentation and audit of exporter's systems. In addition to these measures, there are a range of indicators that may affect an exporter's performance rating, including importing country rejections, notifiable mortality incidents, mortality rates and on-going low-level non-compliance.

6.1 Consignment performance—inspection and verification

For each livestock export consignment, livestock will be inspected and core documentation will be verified by the department to ensure exporters have complied with animal health and welfare and importing country requirements. If the livestock and documentation comply, the department will issue a health certificate and export permit. Inspection and document verification outcomes (i.e. Impact Level ratings) will be recorded on Livestock Export Consignment Reports (LECR) and may affect an exporter's performance rating.

6.1.1 Livestock inspection

All livestock presented for export under provisional or transition arrangements will be inspected by a departmental veterinary officer (VO). Where an exporter has progressed to Performance Level 1, a sample number of livestock will be inspected by a VO. If the consignment is being prepared at multiple premises, the VO will undertake sample inspections at all premises.

The inspection will be herd/flock based and the sample size for each consignment will be determined to give the department confidence that the livestock meet ASEL, importing country and Australian Government requirements.

In addition, the VO will take into account export specific variables, such as the intended export market, time of year, weather, source of livestock and location to determine how to conduct the inspection and the proportion of animals to inspect.

The VO will also take into account any information provided by the exporter about specific circumstances surrounding the livestock, including any livestock the exporter has or may remove (reject) from the herd/flock prior to export.

The VO may choose to increase the sample size or inspect all animals if they are not confident during the course of the sample inspection, that animal health and welfare, importing country or loading requirements have been met. If a proportion of animals do not meet importing country or ASEL requirements the VO will immediately refer the matter to a senior officer and the consignment may be rejected for export and/or further investigation may be instigated by the department.

6.1.2 Documentation verification

All export documentation must be prepared and maintained in line with the exporter's AA, regulatory and importing country requirements, and will be reviewed by the department at the time of audit.

Prior to export, provisional exporters and established exporters operating under transition arrangements must provide all documentation to the VO for verification (this can be achieved via upload to TRACE), exporters on Performance Level 1 and above are required to provide a set of core documents and retain non-core documents for inspection at audit.

Core documents are those documents required to enable the VO to certify importing country requirements and issue an export permit. The department has categorised core documents for each market based on complexity. When presenting a consignment for export, it is the responsibility of the exporter to ensure all relevant documentation is provided in line with information provided on the [Manual of Importing Country Requirements](#) (MICoR) and any additional requirements outlined on import permits or through other means, as appropriate.

A list of core documents can be found on the [department's website](#).

6.1.3 Impact Level rating

During inspection and verification, the VO will assess compliance with ASEL, importing country requirements and relevant Australian Government legislation and other requirements and provide an assessment of the consignment. Based on the assessment, an impact level rating will be recorded against each consignment within an LECR and this information will be used to assess an exporter's performance level rating. Impact level ratings are outlined as follows:

- **Compliant / No Impact**—documentation and livestock are compliant with ASEL, importing country and relevant legislative requirements and the export can proceed or there are low level or accidental oversights affecting a few individual animals and/ or documents. Does not affect the export process and can be remedied immediately. No impact to the export if rectified promptly.
- **Impact Level 1**—a failure to meet requirements indicating carelessness or shortcuts taken by the exporter's staff but no failure in the exporter's systems. Some individual documents are incomplete or missing and can be remedied within four hours; and/or a small number of livestock do not meet ASEL requirements. The export may proceed if the error(s) is rectified promptly within four hours.
- **Impact Level 2**—a failure to meet requirements that indicates an error, gap or lapse in an exporter's systems; or a disregard for a process or requirement. Individual documents may be incomplete or missing; or a number of livestock do not meet ASEL or non-animal health related importing country requirements. The export may go ahead if the error(s) can be rectified within one day.
- **Impact Level 3**—a failure of the exporter's systems, and/or negligence or disregard for processes or requirements. There are significant errors or missing data that may affect livestock health and/or welfare during export or the export plan may not meet importing country requirements. A proportion of animals do not meet ASEL or importing country requirements and/or a significant number or components of a type of documentation may be incorrect, incomplete or missing.

The VO will immediately communicate this finding to a senior officer, outlining the situation and the application for an export permit and health certificate may be refused.

For exporters operating under transition arrangements, the export may proceed if issues can be rectified promptly and the VO is satisfied the consignment meets all requirements.

- **Impact Level 4**—flagrant disregard for systems and processes, suspected fraudulent or criminal behaviour by the exporter or the exporter’s staff. Whole classes of documentation are missing or serious animal health and/or welfare issues identified. The VO will immediately communicate this finding to a senior officer outlining the situation and the application for an export permit and health certificate may be refused. The AA may be suspended and the matter referred to the appropriate authorities for further investigation.

More detailed information, including the type of livestock or documentation issues that may result in adverse ratings is provided in [Appendix A](#).

6.1.4 Refusing an export permit and health certificate

Where an Impact Level 3 or Impact Level 4 rating has been identified, the VO will immediately communicate this finding to a senior officer, outlining the situation. The senior officer will contact the exporter and provide an opportunity for the exporter to respond (verbally and/or in writing) prior to the senior officer making a decision whether to refuse or grant a health certificate and export permit. The senior officer’s decision will be communicated verbally and in writing to the exporter.

Where an application for an export permit and health certificate has been refused during inspection and verification of a consignment, an exporter may export the livestock at a later time once they have:

- corrected any identified issues with the consignment
- undertaken corrective action to ensure the issue does not happen again
- submitted another Notice for the Intention to Export (NOI) to the department and the export application process will start again.

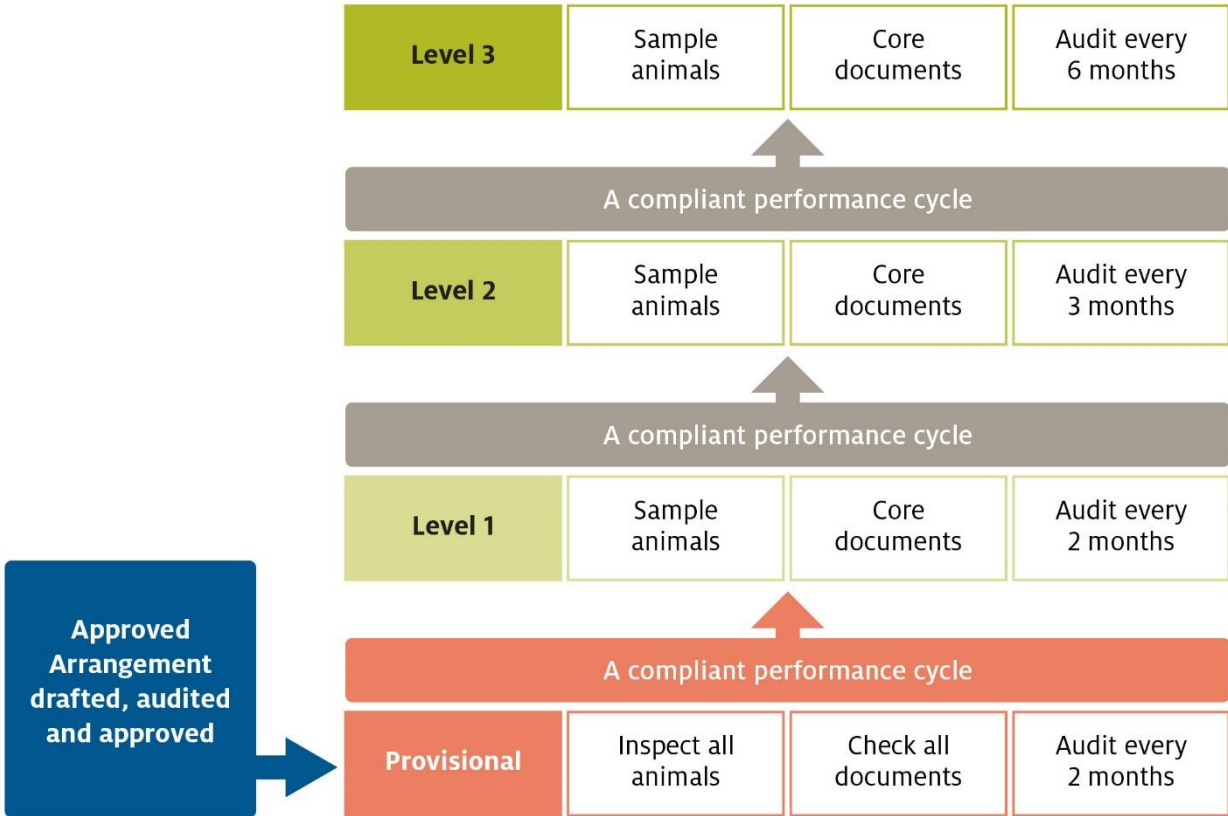
In these cases, the standard 10-day timeframe for NOI assessment still applies, however it may be waived by the department on a case-by-case basis. As part of the process, all documentation will need to be examined and all livestock will need to be inspected.

The refusal to issue export certification will also affect the exporter’s performance rating and additional regulatory oversight by the department may be conducted with future consignments. An audit will be scheduled to review corrective actions implemented to prevent further non-compliance. If consignments are exported prior to the audit, the department will inspect all livestock and verify all documentation until the effectiveness of the AA has been verified.

The department may also suspend the AA.

An exporter’s performance rating will not be affected if the reason for refusing the export permit and health certificate is due to a change of political or security situation within the importing country.

Figure 2 AA’s Performance Management Framework—Performance Level ratings



6.1.5 Withdrawn consignments

An exporter may choose to not export (withdraw) a consignment after a VO has inspected the livestock and/or verified documentation.

If, during the course of inspection and verification, the VO records an Impact Level rating of 2 or above, the rating will continue to apply and the exporter’s performance overall rating will be amended as appropriate.

If the consignment was assessed as compliant/no impact, and the withdrawal was due to a commercial decision or a change to the political or security situation in the importing country, the exporter’s performance rating will not be affected.

6.2 Audits

Audits are conducted by the department to check and verify that suitable controls are in place to ensure the AA is effective and that all requirements for the export of livestock have been complied with and can continue to be complied with.

An AA will be audited at a minimum of twice per year based on an exporter’s level of compliance and demonstrated performance (see figure 2). For exporters that export livestock infrequently, audit schedules will be determined on a case-by-case basis but will occur at least annually if an export has occurred.

Audits are systems-based and assess and verify the exporter's compliance with the AA. Audits are conducted in line with international standards ISO/IEC 17021:2011 and A/NZS ISO 19011:2003 by departmental auditors authorised under the Export Control Act. Auditors are familiar with export legislation and importing country requirements and have been assessed as competent via the Quality Management Systems Lead Auditor training and other relevant departmental endorsed training programs.

Audits may be conducted at the exporter's head office, regional office or at any site used by the exporter during the sourcing, preparation, handling, loading and transport of exported livestock. An audit may also include an assessment of an actual consignment in progress.

The audit scope will cover all or some of the elements of an exporter's AA, with all aspects of the AA audited during the course of a 12-month period. The scope of the audit may include, if applicable, an assessment of any non-compliances identified during previous audits and any consignments where non-compliances were identified.

In addition to scheduled performance audits, the department may also choose to conduct ad-hoc audits in response to identified issues such as importing country complaints, notifiable mortalities, continued poor performance or other incidents as appropriate.

The process for conducting an audit is provided at [Appendix B](#).

6.2.1 Audit results

During the audit, the auditor will assess the effectiveness of, and compliance with the AA. A rating will be given against each of the eleven elements of the AA as compliant, non-compliant or critically non-compliant:

- A **compliant** finding indicates the whole element has been found to have been complied with. The auditor may issue an observation where it is found that there has been an inadvertent, low-level and/or non-systemic issue, or where there are areas for improvement.
- A **non-compliant** finding indicates a failure of the exporter's systems, carelessness or shortcuts taken by staff. Any non-compliant finding detected by the auditor will result in a Corrective Action Request (CAR) being issued.
- A **critical non-compliant** finding indicates an issue that demonstrates negligence or a disregard for the AA, legislative and/or importing country requirements. Such a finding indicates a major system failure, which may require further action by the department. Any critical non-compliance detected by the auditor will result in non-compliant audit rating.

Once the audit has been completed, the auditor will provide an overall audit result to the exporter at the exit meetings. As a guide, audit results will be determined based on the following:

- **Acceptable**—an acceptable audit may contain no more than eight observations (i.e. minor issues). It cannot contain any CARs. If achieved, the exporter may progress through the performance framework.

- **Marginal**—a marginal audit contains nine or more observations; or no more than four observations and one CAR; or no more than two CARs. A marginal audit will result in greater regulatory oversight by the department, with a more frequent audit schedule.
- **Unacceptable**—an unacceptable audit contains three or more CARs or one or more critical non-compliance. An unacceptable audit will result in the suspension of the AA until the exporter has reviewed its system and achieved a compliant audit.

An overview of audit findings, results and regulatory response, including examples of the types of non-compliances under each classification is provided at [Appendix C](#).

6.2.2 Responding to audit findings

Where an observation is recorded, the exporter should make a plan to deal with it, with implementation to be reviewed and assessed at the next scheduled audit as appropriate. If the observation is not dealt within the agreed timeframe, this may result in a CAR being issued.

Where a CAR is recorded, the auditor will discuss the identified issue with the exporter and a timeframe to resolve the CAR will be agreed to by both parties. The agreed timeframe will depend on the nature of the non-compliance, with each CAR considered on a case-by-case basis. If an exporter fails to take the required action within the required time, this will result in a critical non-compliance being issued.

In resolving a CAR, the exporter must develop a plan to address it and provide evidence that appropriate actions have been undertaken. All corrective actions must be reviewed and signed-off by a departmental auditor and, depending on the type, seriousness and number of CARs issued at an audit, this may be achieved by:

- providing written advice to the department outlining how the CAR has been resolved, with a review of corrective actions completed at the next scheduled audit; and/or
- scheduling a follow-up audit within 1-2 months to verify that the CAR has been resolved adequately.

If more than three CARs are issued and/or a critical non-compliance is recorded, the AA will be suspended and the exporter will be ineligible to export until adequate controls have been put in place. Other regulatory action may also be taken by the department as appropriate.

6.3 Other performance indicators

6.3.1 Mortality rates

Mortality rates on board a vessel or aircraft can provide an indication of how well the livestock were prepared for export. Tracking each exporter's mortality rates can provide an indicator that is useful in assessing how effective an AA is and the exporter's systems in place to meet its objectives.

An exporter's average mortality rate (for each species and transport method used) will be calculated based on the performance of its consignments during the 12-months prior. Exporters that have exported less than five consignments in the 12-months prior will be measured against the industry average for this period, taking into account seasonal variations.

An exporter's mortality rate will be reviewed against its 12-month rolling average every six months, at the time of audit. If an exporter's mortality rate has significantly increased above its average over the past 12 months, the department will notify the exporter and an internal system review may be required. If an exporter's mortality rate continues to increase over subsequent six-monthly periods and exceeds the industry average, a performance or system audit may be conducted by a departmental auditor. The outcomes of the audit may recommend corrective actions be implemented or a change in the exporter's performance rating if it is found that increased mortalities are due to issues in the sourcing, preparation, transport and/or loading of livestock.

6.3.2 Notifiable mortality incidents

If it is found that a notifiable mortality was due to failings in implementing the AA, the performance level of the exporter will return to, or maintain a level 1 rating and regulatory oversight by the department will increase. If the incident occurred as a result of a flagrant disregard for systems or processes, or fraudulent or criminal behaviour, the AA may be suspended and referred to the appropriate authority for further investigation.

6.3.3 Importing country issues / rejections

If an importing country finds issues with, or rejects, a consignment for failing to meet requirements, the exporter's AA will be suspended for the country where the issue has occurred while an investigation takes place. This could include an audit.

If it is found that the issue or rejection has occurred due to a failure in the AA, the exporter's performance level will return to, or maintain a level 1 rating and all consignments will require greater regulatory oversight by the department. If the rejection occurred as a result of a flagrant disregard for systems or processes, or fraudulent or criminal behaviour, the AA may be suspended and referred for further investigation. Additionally, the department may choose to take other regulatory action against the exporter as appropriate, including suspending or revoking the AA in part or in full.

6.3.4 Multiple low Impact Level rating issues

Where multiple low Impact level rating issues (i.e. Impact Level 1 rating) are identified with an exporter's consignments, a targeted performance audit will be conducted. Performance audits will assess the specific area/s of an exporter's AA where issues are occurring.

For example, if an exporter records regular, minor livestock health issues during livestock inspections, a performance audit may be conducted to assess how livestock are sourced, the instructions and training provided to an exporter's livestock handlers, trucking companies used to transport livestock, or practices and procedures at the registered establishment. Based on the performance audit, an exporter may be required to address any issues consistent with [section 5.2.2](#).

6.3.5 Third party non-compliance reports

Where the department receives a report of non-compliance (for example, with ASEL requirements) from a third party, it will assess the report, determine its validity and take action as appropriate.

All third-party reports will be considered on a case-by-case basis and the impact on an exporter's performance level rating will be dependent on the department's findings. Any assessment will be risk and evidence-based; actions taken by the department will be proportionate, consistent and fair; and all processes will be transparent.

If the report can be verified and the issue is determined to be sufficiently serious, the department may conduct a targeted performance audit to assess specific area/s of an exporter's AA. If the identified issue is less serious, it may be reviewed at the exporter's next scheduled audit. Where appropriate, the matter may be referred to the relevant authority (e.g. state or territory authority if it relates to animal welfare).

If there is no objective evidence to support the complaint, no action will apply.

Performance management

An exporter may progress through the performance management framework based on compliant outcomes of audits, livestock inspections and documentation verification. However, if issues are picked up during these processes, an exporter may remain at a particular performance level or may regress through the framework and require additional regulatory oversight by the department.

7.1 Compliant performance

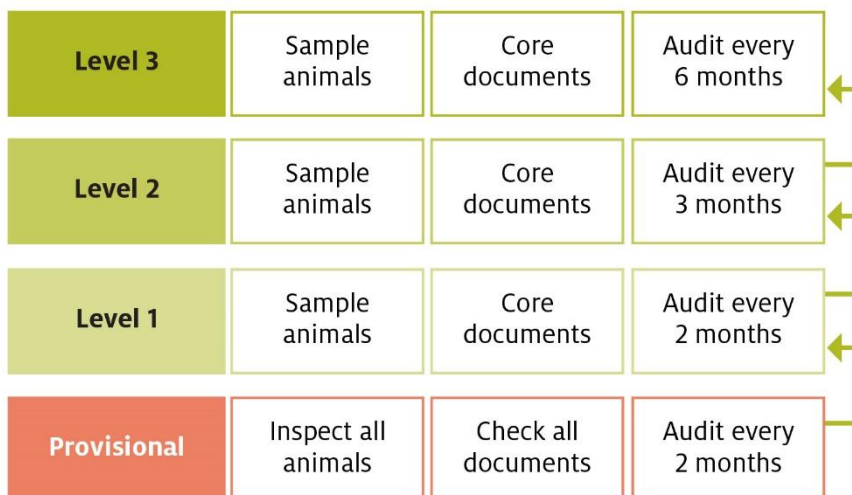
An exporter will progress through the performance management framework when they are able to demonstrate that their AA is working effectively and that their exports have and will continue to comply with ASEL, importing country and legislative requirements (Figure 3).

To achieve this at each level of the performance framework, an exporter must have completed a compliant performance cycle which means the exporter:

- has received an acceptable audit finding (i.e. no CARs recorded)
- has completed satisfactory consignment/s since they last progressed a level in the performance ratings
- has not recorded impact ratings of greater than Level 1 in any consignments since their last audit.

Note: If an exporter sends a low number of animals and/or infrequent consignments annually and are on an agreed audit schedule, the number of satisfactory consignments since they last progressed a level in the compliance ratings may be modified.

Figure 3 Compliant performance



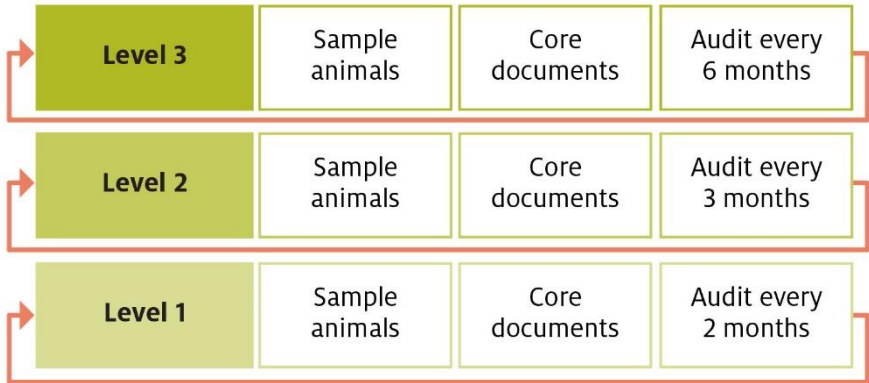
7.2 Marginal performance

An exporter will remain at its current performance level (Figure 4) if during the performance cycle:

- a consignment results in an Impact Level 2 rating; and
- an audit results in an acceptable audit finding

The exporter will require a compliant performance cycle to progress through the performance management framework.

Figure 4 Marginal performance—Impact Level 2 rating consignment

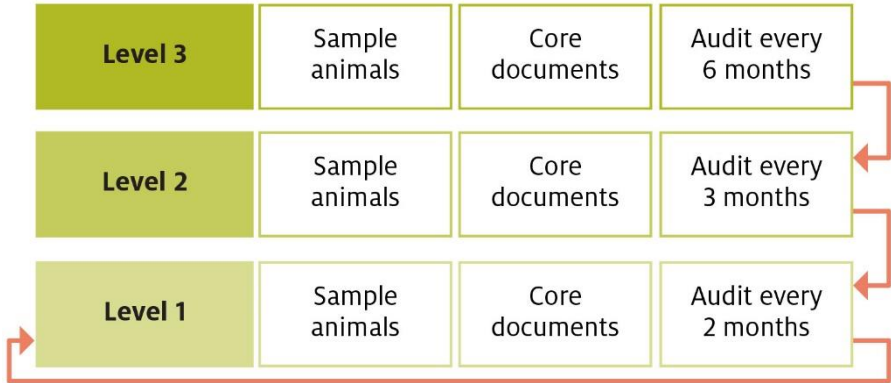


An exporter will drop one performance level (Figure 5) if:

- for two consecutive performance cycles there are Impact Level 2 ratings
- an audit results in a marginal audit finding

The exporter will require a compliant performance cycle to progress through the performance management framework.

Figure 5 Marginal performance—two consecutive performance cycles have Impact Level 2 rating consignments and/or marginal audit



7.3 Non-compliant performance

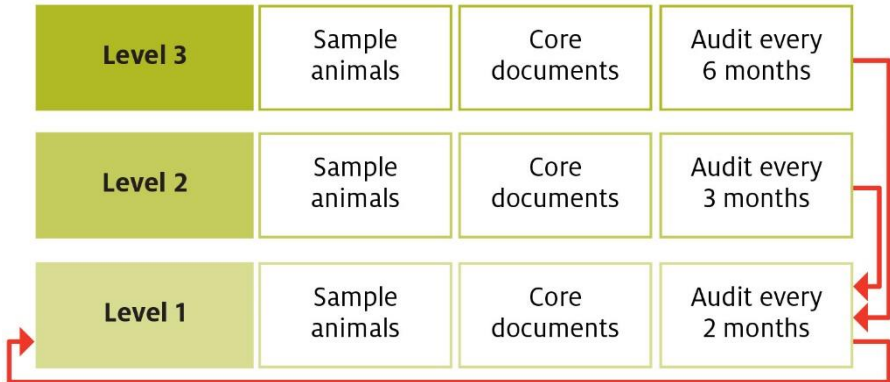
An exporter will return to Performance Level 1 (Figure 6) if they have a non-compliant performance cycle if:

- a consignment results in an Impact Level 3 rating
- an audit results in an unacceptable audit finding
- a notifiable mortality incident is recorded and the cause of the incident is found to be a failure in implementing the AA.
- a consignment is rejected by an importing country and the cause of the rejection is due to a failing in the AA.

In these cases, the department will contact the exporter immediately and may arrange for an audit of the AA to review actions implemented by the exporter to prevent further non-compliances.

The exporter will require a compliant performance cycle to progress through the performance management framework.

Figure 6 Non-compliant performance—Impact Level 3 consignment, unacceptable audit finding, notifiable mortality or importing country rejection



7.4 Provisional exporter performance

A provisional exporter is a new exporter with an AA who has not yet completed a compliant performance cycle to move to Performance Level 1, or an exporter whose AA was suspended or revoked and has now resumed exporting following a compliant audit.

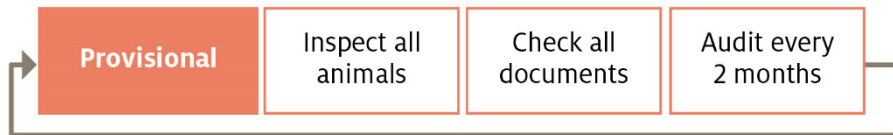
A provisional exporter will not progress through the performance level framework and will remain at the provisional level (Figure 7) if:

- a consignment results in an Impact Level 2, 3 or 4 rating
- an audit results in a marginal finding
- a notifiable mortality incident is recorded and the cause of the incident is due to a failing in the AA

- a consignment is rejected by an importing country and the cause of the rejection is due to a failing in the AA.

To progress to performance level 1, the exporter will require a compliant performance cycle.

Figure 7 Provisional exporter performance



If a provisional exporter is unable to achieve satisfactory consignments and/or compliant audits over a period of time, the department may choose to apply additional regulatory actions or suspend or cancel the AA as appropriate.

7.5 Suspending an approved arrangement

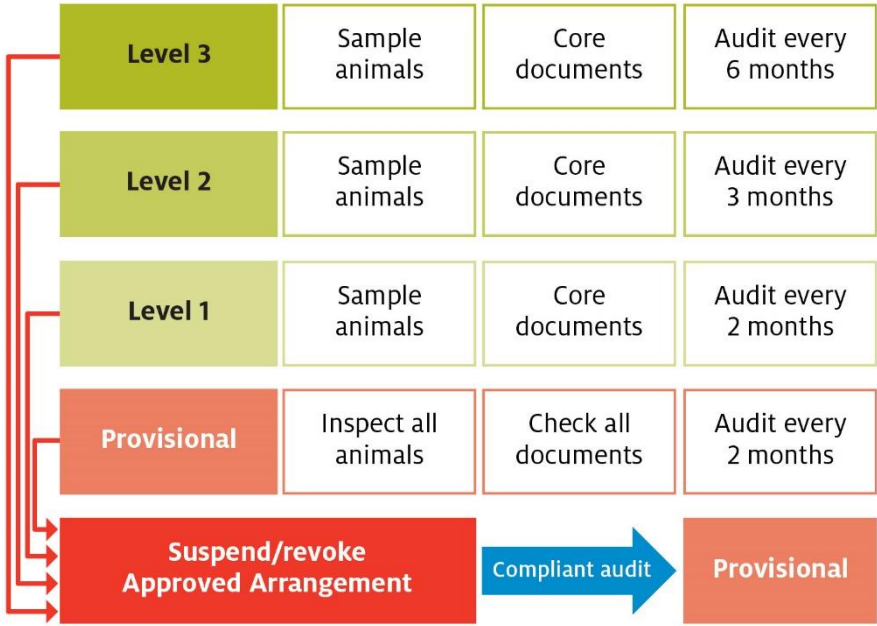
Circumstances in which the department will suspend (Figure 8) an AA include, but are not limited to:

- an exporter records three consecutive Impact Level 3 consignments, or 50 per cent of consignments are rated as Impact Level 3 over a six-month period
- a consignment results in an Impact Level 4 finding
- an audit results in an unacceptable finding
- a notifiable mortality incident has occurred as a result of a flagrant disregard for systems or processes, or fraudulent or criminal behaviour
- an importing country rejection has occurred as a result of a flagrant disregard for systems or processes, or fraudulent or criminal behaviour.

In all of the above cases, the department will investigate the reasons for the suspension and may choose to revoke the AA if the matter is deemed to be sufficiently serious.

Prior to exporting again, an internal review of the AA must be undertaken by the exporter and an audit will be conducted by the department to verify compliance. Once achieved, the exporter will be rated as provisional and will require a compliant performance cycle to progress through the performance framework.

Figure 8 Non-compliant performance resulting in suspension



7 Adding new markets, species or modes of transport

If an exporter intends to export to a new market, export a new species or use a new mode of transport not already included in an AA, a variation request must be made and a new Standard Export Plan (SEP) will need to be submitted and approved by the department prior to submitting a notice of intention to export and commencing the preparation of the consignment.

For exports of a new species or mode of transport, or for exports to a more complex market than previously exported (e.g. an exporter has previously only exported to Category A markets and now intends to export to a Category B or C market), exporters will require full livestock inspection and document verification for that market/species/mode of transport for three consecutive compliant consignments. Until 30 June 2017 this references exports exported both under an AA and in the two years prior to the exporters AA being approved. If the variation is approved, the department will advise the exporter that full livestock inspection and documentation verification will be required for the consignment, even if the exporter is currently on a performance level with sample inspection and core documents.

If issues are identified in those three consignments that relate specifically to the new market, species or mode of transport, those issues may not affect the overall performance level rating. If identified issues are systemic and could apply to all exports, the performance level rating will change as appropriate.

8 Performance feedback

The department's veterinary officer will provide consignment (animal inspection and document verification) feedback to the nominated exporter representative present at loading about the consignment performance and any issues that require addressing. The consignment's LECR report containing the impact level rating and broad details about the issues with the consignment will then be uploaded to the consignment record on TRACE, during the following fortnight. Departmental audits will also provide valuable feedback on the performance of an AA.

In addition, the department collates performance data and may provide this information to exporters on request or at a time appropriate to the department. Information may include how long it takes to assess consignments, how frequently issues are found with consignments and how consignment performance compares across industry averages. The department will also report on consignment mortality levels against industry averages.

9 Provisions to review/appeal departmental decisions

9.1 Impact level rating reviews

An exporter may request an internal review of a consignment's impact level rating if they do not agree with the rating assigned by the department veterinary officer. The request for review must be made by email to the Assistant Secretary, Live Animal Export Branch at livestockexp@agriculture.gov.au (copy in the relevant regional office). The request must be made within 10 business days of the exporter receiving written notification of the consignment's impact level rating.

The review will be conducted by a departmental officer who is independent of the original impact level rating. This ensures the review is undertaken by an officer with no involvement in the original decision, and will provide assurance that the review is fair and evidence-based.

During a review, the officer will:

- review correspondence and all supporting documentation associated with the consignment
- request additional information from the exporter and the regional officer servicing the consignment (if required)
- consider the circumstances of the issues identified against the impact level rating table
- aim to complete their review and provide a written response to the exporter, outlining reasons for the decision, within 20 business days of the request being made. Complex reviews or reviews requiring additional information may take longer.

Exporters should be aware that:

- the impact level rating assigned by the department veterinary officer will remain in place whilst an internal review is underway
- the outcome of the review may result in the impact level rating being upgraded, downgraded or no change. This may affect the exporter's performance level.
- only one review for each consignment is permitted
- exporters may lodge a complaint with the [Commonwealth Ombudsman](#) if they are not satisfied with the review outcome.

Read more about [Regulating live animal exports](#) on the department's website.

9.2 Audit outcome reviews

If an exporter disagrees with an audit outcome, they may request the department to have the decision reviewed. Requests must be made in writing to the Assistant Secretary, Live Animal Export Branch within 10 business days of the decision. The request must provide information

about the relevant exports, evidence supporting the business systems and a case to support the claim.

A review will be undertaken within 20 business days of receipt of the request. Where major issues have occurred, this process may be extended to allow for thorough investigation. The department will review the details of the appeal and will notify the exporter of the result of the appeal in writing, detailing reasons for the decision. Where appropriate, external reviews of decisions may be undertaken under the provisions of the *Administrative Decisions (Judicial Review) Act 1977*.

Additional formal mechanisms for review are outlined in the Export Control (Animals) Rules 2021 where the department has chosen to suspend or revoke an AA. In these cases, the department will provide written notice to the exporter outlining the reason for the action, the exporter's right to apply for reconsideration and detail of the length of suspension if appropriate.

Assistant Secretary—Live Animal Export Branch

Department of Agriculture, Fisheries and Forestry
GPO Box 858
Canberra ACT 2601
Australia

TO: livestockexp@agriculture.gov.au

CC: The regional office overseeing the consignment (see our [office contacts page](#))

10 Regulatory Action

In addition to actions applied under the performance management framework outlined above, the department may choose to apply additional regulatory action if the findings of audits, livestock inspections or documentation verification are deemed to be sufficiently serious.

Action may include:

- placing additional conditions on an export licence holder
- scheduling additional audits
- issuing a show cause notice as to why the exporter should continue to be licenced
- suspending or revoking the AA until adequate controls are implemented by the exporter and reviewed by the department
- applying penalties
- undertaking legal proceedings
- taking other regulatory action as appropriate.

11 Failure to co-operate

If an exporter has failed to partake in or provide assistance to a departmental officer during the process of an audit, or failed to provide relevant documentation or other assistance of an authorised officer, including VOs, the department may choose to suspend or revoke an AA.

12 Fees

Fees for audits, livestock inspections and documentation verification are legislated under the Export Control (Fees and Payments) Rules 2021. The cost of audit and inspection activities are outlined in the [Department of Agriculture, Fisheries and Forestry Charging Guidelines 2022](#).

13 Roles and responsibilities

Within the department, the Live Animal Export Branch has responsibility for coordinating and overseeing the implementation of the Performance Management and Compliance Guidelines in collaboration with the Veterinary, Export Meat and Scientific Services Group and the Audit Services Group.

Responsibilities include:

- ensuring adequate resources are available to effectively schedule and complete audits, livestock inspection and documentation verification in a timely manner
- ensuring appropriate measures are taken to achieve and maintain consistent audit, inspection and verification standards across all regions.

14 Governing materials

All relevant legislation, internal obligations, standards and policies (including, but not limited to those listed below) should be followed in addition to this policy. Links to these materials are available on the [department's website](#).

Legislation:

- [Export Control \(Animals\) Rules 2021](#)
- [Export Control Act 2020](#)
- [Export Control \(Fees and Payments\) Rules 2021](#)

Standards:

- [Australian Standards for the Export of Livestock](#)

Policies and guidelines:

- [Approved Arrangement guidelines for the export of livestock](#)
- [Approved Export Program Guidelines](#)
- [Department of Agriculture, Fisheries and Forestry Charging Guidelines 2022](#)
- All relevant live animal [Export Advisory Notices](#) and [Market Access Notices](#)
- Other relevant policies and guidelines, which are available on [the department's website](#).

Appendix A—Impact level ratings

The following table outlines the impact level ratings of observed non-compliance with documentation and/or livestock requirements and the consequence of these findings.

Impact Level	Description	Example	Consequence
Compliant/No impact	All documentation and livestock are compliant with ASEL, importing country requirements and relevant legislative requirements, or there may be low level or an accidental oversight affecting a few individual animals or documents that does not impact the export process and can be remedied immediately.	<p>Nil issues, or documentation has been provided with a few individual documents missing, for example because of scanning error - Able to be provided within one hour.</p> <p>An animal has developed lameness since last inspection by exporter's staff.</p>	<p>Export may proceed.</p> <p>If rectified promptly, consignment will be considered satisfactory and exporter may progress through the performance framework.</p>
Impact Level 1	<p>Failure to meet requirements that indicates carelessness or short cuts taken by staff, but not a failure of the exporter's system.</p> <p>Some individual documents incomplete or missing that can be remedied within four hours.</p> <p>A small number of livestock that do not meet ASEL.</p>	<p>The number of animals or departure date not updated on the export plan.</p> <p>Some animals have long horns or too much wool. The exporter has an approved plans in the AA but has not implemented the relevant management plans in the consignment specific export plan.</p> <p>Some animals have developed general animal health issues (e.g. scabby mouth, ringworm) and that has not been indicated by the exporter together with a plan for their removal or management (e.g. provision of more space, removal on final animal health and welfare inspection).</p>	<p>Export may proceed if error is rectified within four hours.</p> <p>If rectified within four hours, consignment will be considered satisfactory and exporter may progress through the performance framework.</p> <p>Issue/s will be referred to at the next scheduled audit.</p>
Impact Level 2	A failure to meet requirements that indicates a lapse in a part of an exporters systems or communications or for following a process or requirement.	Some animals have long horns but the export plan does not include a long horn management plan, nor has a management plan been approved in the AA.	Export may proceed if error can be rectified within one day.

Impact Level	Description	Example	Consequence
	<p>There are errors in sections of the export plan but these do not prevent certification of importing country requirements and can be corrected within a day.</p> <p>Individual documents incomplete or missing that can be remedied within a day.</p> <p>A number of livestock that do not meet either ASEL or a non-animal health related importing country requirement (ICR).</p>	<p>Some pages of the pregnancy test list are missing. It takes the exporter more than five hours to obtain them.</p> <p>Food and water calculations are incorrect but additional food and water is organised and a copy of the purchase order is provided to the department the next day.</p> <p>A number of animals are overweight exceeding allowable ASEL requirements but can be removed prior to loading.</p> <p>Test positive animals have been pulled out of a consignment and held separately however the regional vet discovers that mistakes have been made in reading tag numbers and the wrong animals have been pulled out.</p>	<p>The exporter will remain on their current performance level.</p> <p>The exporter will require a compliant performance cycle to progress through the performance framework.</p> <p>If an exporter records Impact Level 2 ratings for two consecutive performance cycles, the exporter will drop one performance level.</p> <p>Issue/s will be referred to at the next scheduled audit.</p>
Impact Level 3	<p>A failure of part of the exporters systems; negligence or disregard for processes or requirements.</p> <p>Significant proportions of a type of documentation is wrong, incomplete or missing.</p> <p>A proportion of animals do not meet either importing country requirements or ASEL.</p>	<p>Required documents haven't been completed.</p> <p>Significant errors in documentation or missing data which may affect animal welfare.</p> <p>No evidence that a proportion of animals have been treated/vaccinated/tested.</p> <p>Large percentage of animals are showing signs of a disease / parasite infestation that would have been noticeable before the inspection that hasn't been indicated by the exporter before inspection together with a plan for their removal or management (e.g.</p>	<p>Export may be refused. Application for export permit and health certificate may be refused.</p> <p>Senior officials will be notified.</p> <p>If the issue can be rectified, the exporter will need to submit a new NOI. Consignment will require full inspection of livestock and verification of documentation.</p> <p>The exporter will drop to or remain on Performance Level 1 or</p>

Impact Level	Description	Example	Consequence
		<p>removal on loading or at final animal health inspection).</p> <p>Test positive animals have not been removed from a consignment.</p> <p>Animals have not been held in quarantine for the required period.</p>	<p>provisional (as appropriate).</p> <p>The exporter will require a compliant performance cycle to progress through the performance framework.</p> <p>An audit will be scheduled immediately to determine the cause of the non-compliance and review actions implemented by the exporter to prevent further non-compliances. If consignments are exported prior to the audit, all livestock and documentation will be inspected and verified until the effectiveness of the AA is verified.</p> <p>If an exporter records three consecutive impact level 3 ratings for consignments, or 50 per cent of consignments are rated as impact level 3 over a six-month period, the AA may be suspended.</p>
<p>Impact Level 4</p>	<p>Apparent disregard for systems and processes, suspected fraudulent or criminal behaviour by the exporter, or people employed by the exporter in the preparation of livestock.</p> <p>Whole classes of document missing. Serious animal welfare outcomes.</p>	<p>Documents submitted appear to be have been falsified.</p> <p>No evidence that required tests have been conducted on all animals.</p> <p>For example:</p> <ul style="list-style-type: none"> Animals from within the blue tongue virus zone are being passed off as animals from outside the zone 	<p>Export cannot proceed. Application for export permit and health certificate rejected.</p> <p>The exporter's AA may be suspended.</p> <p>Matter will be referred to Canberra office for investigation. Consequences could include:</p>

Impact Level	Description	Example	Consequence
		<ul style="list-style-type: none"> Multiple pens of sheep are scouring and unfit for travel are loaded on the vessel. 	<ul style="list-style-type: none"> Referral for enforcement action. Cancellation of an exporters AA or licence and or possible penalties.

Appendix B—Audit Process

Advice of an audit

In most cases exporters will be notified a minimum of five business days prior to a proposed audit date. If the exporter is unable to attend or accommodate the proposed timing, it is the exporter's responsibility to contact the auditor to arrange an alternative time or date.

It is anticipated audits will take approximately four-six hours to complete depending on the complexity of the audit.

The department reserves the right to conduct audits without notice in some circumstances.

Entry meeting

An entry meeting between the exporter and the departmental auditor will be conducted on arrival of every scheduled audit to outline the audit scope and processes.

Audit Scope

All audits conducted will be systems-based, meaning they will assess the controls and processes in place at the business and consider the elements of the AA as a whole in the context of the exporter's operations. Each audit will check and verify that the controls for each requirement in the AA are in place, are being followed and are effective.

Audits will be conducted at an exporter's head office, regional office or at any site utilised within the supply chain, as appropriate. The audit will include reviewing documentation for individual consignments, and may include reviewing consignments in progress. Actions implemented following observations or CARs recorded at previous audits will be reviewed and verified by the auditor as appropriate.

The auditor will verify and/or rate the level of compliance for each element of the AA. During this process, the auditor will provide information or clarification and record observations on operational and record keeping expectations to enable continuous improvement by the exporter. Where necessary, the auditor will record CARs for further action or critical non-compliance for immediate action. Based on findings, an audit will be rated as Acceptable, Marginal or Unacceptable.

Exit meeting

An exit meeting will be held with the exporter at the conclusion of the audit to discuss audit findings, the details of any observations recorded or CARs issued and the final audit outcome. The exporter will be asked to confirm it agrees to the audit findings, the details of any CARs issued and the audit outcome by signing applicable documentation at the exit meeting.

If the auditor finds there has been a failure to comply with legislative requirements or a condition of the exporter's AA or export licence, the auditor will advise the exporter immediately upon completion of the audit. This advice may be provided verbally.

Audit report

A final written audit report will be provided to the exporter within 14 days of the audit.

Appendix C—Audit findings

Each audit is considered on a case-by-case basis and each auditor is provided appropriate discretion to make a judgement on the overall findings in conjunction with a PVO and/or senior departmental officers. The following table provides guidance on how each element of the AA may be rated and how this may affect the overall audit result:

Audit result	Element rating	Action	Examples <i>(Note: this is for demonstration purposes only and is not an exhaustive list)</i>
Acceptable	Compliant	Nil	<ul style="list-style-type: none"> No issues identified
Up to 8 observations	Observation	Record an observation	<ul style="list-style-type: none"> Processes have changed and are not reflected in the AA but the changes have no impact on compliance with importing country requirements and legislation Late with processes such as internal audits or management reviews Failure to record new staff training on training register or some staff untrained but adequately supervised A few incomplete documents that would not have affected the consignment being approved for export
Marginal 9 or more observations, OR Up to 4 observations and 1 CAR, OR Two CARs	Non-systemic Inadvertent Room for Improvement		
Unacceptable 3 or more CARs Any Critical non-compliance CARs that have not been resolved within agreed timeframe	Non-Compliant Systemic Careless/Substandard Short cuts taken	Issue a Corrective Action Request (CAR)	<ul style="list-style-type: none"> Processes significantly changed but no approval of changes to the AA sought Incorrect declarations or documents missing from multiple consignments Failure to observe weight limits or failure to implement a management plan for light or heavy cattle
	Critical Non-Compliance Negligence or disregard for the AA	Suspend or revoke an AA and/or take regulatory action	

Document control

The Performance Management and Compliance Guidelines is maintained by the Live Animal Export Branch.

Date of update	Author	Reason for change
June 2016	Live Animal Export Branch	Version 1.1 published
January 2017	Live Animal Export Branch	Version 1.2 published
December 2022	Live Animal Export Branch	Version 1.3 published Replaced legislative references to reflect new export legislation Updated branding - DAWE became the Department of Agriculture, Fisheries and Forestry Change to email contact for consignment impact level rating review requests
November 2023	Live Animal Export Branch	Version 1.4 published Updated section 9 to include more information on the consignment impact level rating review process