

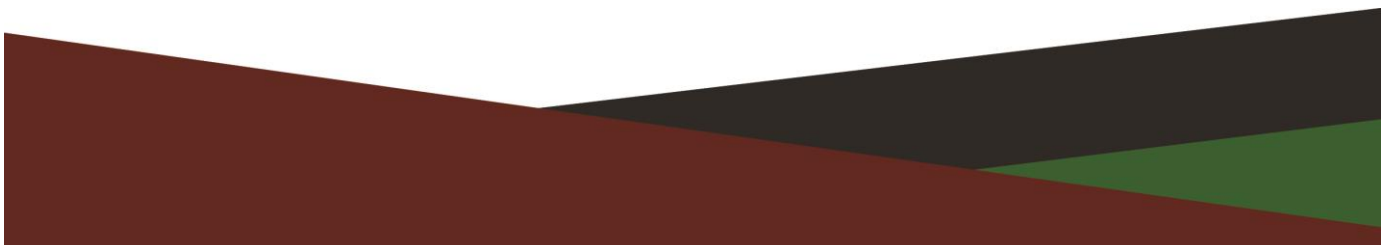
# ***Australian Livestock Processing Industry Animal Welfare Certification System (AAWCS) Program Rules***

*3<sup>rd</sup> Edition: December 2021*



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## CHIEF EXECUTIVE'S FORWARD

This document contains the ***Australian Livestock Processing Industry Animal Welfare Certification System (AAWCS) Program Rules*** (the 'Program Rules').

The Australian Meat Industry Council (AMIC) and AUS-MEAT Limited (AUS-MEAT) have agreed to implement a voluntary Animal Welfare Certification Program to assist Australian Livestock Processing Establishments demonstrate compliance with the ***Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)*** (the 'Standard') published by AMIC. Australian Livestock Processing Establishments can be certified in accordance with the Standard and the Program Rules.

The Australian Meat Industry Language and Standards Committee (AMILSC) have adopted the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)* as custodians on behalf of Industry. AMIC will retain ownership of the Standard which includes responsibility for ensuring periodic review.

In addition to assisting livestock processing establishments to demonstrate fulfilment of the requirements within the Standard, the Program Rules are designed to protect:

- the welfare of animals at Australian Livestock Processing Establishments.
- the interests of the Australian meat and livestock industry; and
- the reputation of AUS-MEAT Limited.

AUS-MEAT Limited (ABN 44 082 528 881) is a company limited by guarantee. It is jointly owned by Meat and Livestock Australia Limited (MLA) and Australian Meat Processor Corporation Limited (AMPC).

The Current AUS-MEAT Limited Board consists of:

- An independent Chairman
- Two representatives appointed by MLA
- Two representatives appointed by AMPC

The current Australian Meat Industry Language and Standards Committee consists of:

- The Chairman
- The Chief Executive, AUS-MEAT Limited
- Four nominees of the Australian Meat Industry Council (AMIC)
- One nominee of each of the following:
  - ❖ Australian Lot Feeders Association (ALFA)
  - ❖ Australian Pork Limited (APL)
  - ❖ Australian Supermarkets and Independent Retailers (ANRA or NARGA)
  - ❖ Cattle Council of Australia (CCA)
  - ❖ Department of Agriculture, Water and the Environment (DAWE)
  - ❖ Sheep Producers Australia (SPA)

AUS-MEAT would like to thank the following organisations for their assistance and support in the development and preparation of the Program Rules:

- Australian Meat Industry Council (AMIC); and
- Australian Meat Processor Corporation Limited (AMPC).

If you have any queries, please contact AUS-MEAT.

Stephen Crisp  
Chief Executive AUS-MEAT Limited

## 1. INTRODUCTION

Livestock processing establishments may apply to AUS-MEAT for voluntary Certification to verify conformance with the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)* published by the Australian Meat Industry Council (AMIC).

**Certification under these Program Rules does not in any way imply or infer accreditation by AUS-MEAT for any purpose other than animal welfare or otherwise allow the use of the AUS-MEAT logo.**

### 1.1 Roles and Responsibilities

1.1.1 The roles and responsibilities of the following entities in relation to this voluntary Animal Welfare Certification System are as agreed in a Memorandum of Understanding (MOU) between AUS-MEAT and AMIC:

- Australian Meat Industry Council (AMIC)
- AMIC/AMPC Animal Welfare Standard Review Committee
- AUS-MEAT Limited (AUS-MEAT)
- Australian Meat Industry Language and Standards Committee (AMILSC)
- AMILSC Animal Welfare Certification Sub-Committee

1.1.2 AMIC and AUS-MEAT have agreed that the AMILSC convened by AUS-MEAT will establish a Certification Program to verify conformance with the voluntary *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)* published by AMIC as custodians on behalf of the livestock processing industry.

1.1.3 Under this MOU AMIC will maintain ownership and control of the content of the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)* through its current AMIC/AMPC Animal Welfare Standard Review Committee.

1.1.4 AMIC will notify AUS-MEAT of any changes to the Standard from time to time in accordance with the MOU.

## 2. DEFINITIONS AND APPLICATION

### 2.1 Definitions

In these Program Rules, when commencing with a capital letter:

<b>AAWCS</b>	means the Australian Livestock Processing Industry Animal Welfare Certification System. A voluntary program established and operated by AUS-MEAT to verify conformance with the <i>Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)</i>
<b>AMIC</b>	means the Australian Meat Industry Council formed under the federal Workplace Relations Act 1996.
<b>Animal Welfare Non-conformance</b>	means non-conformance with the <i>Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)</i> .
<b>Approved</b>	means approved by AUS-MEAT.
<b>Approved Arrangement</b>	when used in relation to a provision of the Australian Standard AS 4696: 2007 applying to a meat business or meat transport business means the arrangement for the business that is approved by the controlling authority.

<b>Approved Auditor</b>	means an AUS-MEAT representative or other third-party independent person approved by AUS-MEAT, in accordance with criteria established by the AMILSC, to conduct Verification Audits to verify conformance with the <i>Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)</i>
<b>Audit</b>	means the systematic and independent examination of a certified Establishment's management system to determine whether the certified Establishment is acting in accordance with the requirements set out in these Program Rules, and the Standard.
<b>AUS-MEAT</b>	means AUS-MEAT Limited ABN 44082528881.
<b>Australian Standard AS 4696:2007</b>	means the Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption.
<b>Certification</b>	means certification of a Livestock Processing Establishment by AUS-MEAT in accordance with these Program Rules.
<b>Committee</b>	means the Australian Meat Industry Language and Standards Committee, an industry forum convened under the constitution of AUS-MEAT Limited
<b>DAWE</b>	means the Australian Department of Agriculture, Water, and the Environment.
<b>Industry</b>	means the Australian Meat and Livestock Industry.
<b>the Standard</b>	means the <i>Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)</i> owned and published by AMIC.
<b>Licence or Licence Agreement</b>	means the licence granted by AMIC, or its nominated agent, to a person to use the registered Trademarks.
<b>Livestock</b>	means the animal species defined in the scope of the <i>Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)</i> .
<b>Livestock Processing Establishment</b>	means premises used for the processing of livestock and production of meat or meat products for human consumption.
<b>MOU</b>	means the Memorandum of Understanding agreed between AUS-MEAT and AMIC in relation to the Australian Livestock Processing Industry Animal Welfare Certification System and includes any schedules or attachments.
<b>Notification Protocol</b>	means the parameters and procedures established by the AMILSC for AUS-MEAT to notify the relevant authorities of Animal Welfare Non-conformances identified by an AUS-MEAT officer or Approved Auditor or any other information related to the Australian Livestock Processing Industry Animal Welfare Certification System
<b>Personal Information</b>	means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about a natural person whose identity is apparent, or can reasonably be ascertained, from the information or opinion.
<b>Management System</b>	means the management system prepared and adopted by an Establishment in accordance with the Standard.
<b>Program Rules</b>	means these Australian Livestock Processing Industry Animal Welfare Certification System (AAWCS) Program Rules and any amendments made hereto from time to time.

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<b>Trademark</b>	means registered trademarks of AMIC relating to conformance with the <i>Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)</i> .
<b>Verification</b>	means confirmation, through the review of objective evidence, that requirements have been fulfilled.
<b>Verification Audit</b>	means an audit undertaken by an Approved Auditor.

## 2.2 Presumptions of Interpretation

- 2.2.1 For the purpose of these Program Rules, unless these Rules otherwise provide, all powers to be exercised by AUS-MEAT are exercised by its Chief Executive Officer (or nominee).
- 2.2.2 A reference to a person includes the person's successors and permitted assigns.
- 2.2.3 All discretions or decisions by AUS-MEAT must be exercised or made in good faith. A person alleging that AUS-MEAT has not acted in good faith bears the onus of proving that allegation.
- 2.2.4 A reference to a person includes the person's successors and permitted assigns. A reference to a person who holds an office includes (as the case requires) the person who holds:
- (a) that office from time to time.
  - (b) a corresponding office in another jurisdiction; or
  - (c) an office that replaces the nominated office from time to time.
- 2.2.5 A word which denotes:
- (a) the singular denotes the plural and vice versa.
  - (b) any gender denotes the other gender; and
  - (c) a person includes an individual, a body corporate and a government.
- 2.2.6 A reference to a paragraph or annexure is a reference to a paragraph of, or annexure to these Program Rules.
- 2.2.7 A reference to any other agreement or instrument where amended or replaced means that agreement or instrument as amended or replaced.

## 2.3 Application of Program Rules

- 2.3.1 An Establishment seeking or obtaining certification under these Program Rules acknowledges that:
- (a) AUS-MEAT administers the Australian Livestock Processing Industry Animal Welfare Certification System.
  - (b) these Program Rules evidence a binding legal agreement between the Establishment and AUS-MEAT; and
  - (c) any reference to rights or obligations of the AMILSC under these Program Rules includes rights and obligations of AUS-MEAT.
- 2.3.2 These Program Rules supersede and replace all previous versions of the Australian Livestock Processing Industry Animal Welfare Certification System (AAWCS) Program Rules.

## 2.4 Indemnity

- 2.4.1 An Establishment which is certified in accordance with these Program Rules indemnify AUS-MEAT against all damages, losses, costs, and expenses incurred by AUS-MEAT arising out of:
- any non-fulfilment by the Establishment with these Program Rules, any other Certification requirements or any animal welfare related laws or regulations; or
  - any act or omission of the Establishment relating to these Program Rules or Certification.

## 2.5 Use of Information

- 2.5.1 An Establishment certified in accordance with these Program Rules acknowledges that AUS-MEAT will use information concerning the Establishment or the business of the Establishment obtained relating to these Program Rules or Certification as follows:
- providing any or all such information to any relevant Commonwealth government agency as AUS-MEAT considers appropriate relating to an Establishment's approved arrangements at export registered Establishments and any alleged or suspected breaches of Commonwealth laws.
  - providing any or all such information to any relevant State / territory government agencies as AUS-MEAT considers appropriate in connection with the welfare of animals, including licensing requirements and any alleged or suspected breaches of relevant State laws; and
  - publishing details of Establishments that have sought or obtained certification under these Program Rules as AUS-MEAT considers necessary or desirable for the purposes of these Program Rules or the Australian Livestock Processing Industry Animal Welfare Certification System.
- 2.5.2 The information collected in the normal course of business by AUS-MEAT may be Personal Information. It is collected and disclosed for the purposes of AUS-MEAT's business purposes. AUS-MEAT respects the privacy of individuals. Generally, AUS-MEAT does not release Personal Information other than as specified in these Rules. In response to a legal requirement, in an emergency, in response to any unlawful act or omission, or potential unlawful act or omission, or in otherwise exceptional circumstances, the Chairman of AUS-MEAT or his nominee may at his discretion authorise the release of Personal Information in accordance with an established Notification Protocol. Further information can be obtained from the **AUS-MEAT Privacy Policy** in relation to the collection, use and disclosure of personal information.

## 2.6 Register

- 2.6.1 AUS-MEAT will maintain a register of Establishments (**Register**) which have sought or obtained Certification and may include details of the registration number, name, address of the Establishment, date of Certification, and other such details that AUS-MEAT may wish to include from time to time in the Register.
- 2.6.2 Certain information contained in the Register will be made available to the public to enable users to determine the Certification category of an Establishment.

## 2.7 Liability

- 2.7.1 **Liquidated Damages**  
Without limiting AUS-MEAT's rights arising out of a breach of these Program Rules, if an Establishment breaches a term of these Program Rules, the Establishment must, on demand from AUS-MEAT, pay AUS-MEAT by way of liquidated damages an amount of \$5,000 for each day that the breach continues.
- 2.7.2 **Acknowledgment**  
The parties acknowledge that the amount set out in paragraph 2.7.1 is:



- (a) a genuine pre-estimate of the damages suffered by AUS-MEAT in the event of a breach, having regard to the loss of goodwill attaching to the Logo and the effect on the reputation and effectiveness of the Australian Livestock Processing Industry Animal Welfare Certification System and
- (b) not a penalty.

## **2.8 Variations**

2.8.1 AUS-MEAT may from time to time amend these Program Rules.

2.8.2 Where AUS-MEAT proposes to amend the Program Rules or is notified of an amendment to the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)*, AUS-MEAT must notify all Establishments certified under these Program Rules and Establishments in voluntary suspension in accordance with these Program Rules of its intention. A variation takes effect:

- (a) seven (7) days after AUS-MEAT sends the notice, or from any other date specified in the notice; and
- (b) despite any accidental failure to give notice to any Establishment.

## **2.9 Public Inspection of the Program Rules**

These Rules will be available for inspection during normal business hours at the office of AUS-MEAT at Unit 1 / 333 Queensport Road North, Murarrie, Brisbane, Queensland, 4172.

## **3. OBLIGATIONS OF A CERTIFIED ESTABLISHMENT**

### **3.1 Compliance**

3.1.1 Each Establishment which is certified in accordance with these Rules must comply in all respects with:

- (a) these Program Rules.
- (b) the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)*; and
- (c) all animal welfare related laws and regulations relevant to the conduct of its activities.

3.1.2 Each Establishment must, as required by AUS-MEAT, provide evidence acceptable to AUS-MEAT of its compliance with the matters set out in paragraph 3.1.1.

3.1.3 Establishments that undertake non-stunned slaughter are not subject to certification under the Program.

3.1.4 Applications for certification must declare all species the Establishment is processing.

3.1.5 Exemptions to exclude species from certification is not permitted if defined within the scope of the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)*.

3.1.6 Where certified establishments process multiple species certification can only be applied to those species defined within the scope of the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)*.

## **3.2 Management System**

- 3.2.1 The *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)* requires the Establishment to establish, implement, and maintain a management system that enables the consistent fulfilment of the requirements in the Standard.
- 3.2.2 All Management System documentation must be approved by AUS-MEAT prior to Certification as part of the document review process.

## **3.3 Rights of Entry/Access to Relevant Information**

- 3.3.1 An Establishment which is certified in accordance with these Program Rules must provide AUS-MEAT access to facilities, personnel, documentation, and information in relation to provision of Certification with these Program Rules.
- 3.3.2 Without limiting paragraph 3.3.1 the Establishment must:
- permit AUS-MEAT or its agent to audit the Establishment's Quality Management System and view the operations of the Establishment.
  - provide any assistance reasonably required by AUS-MEAT or its agent.
  - produce to AUS-MEAT or its agent any information, records or documents reasonably required by AUS-MEAT or its agent; and
  - provide AUS-MEAT or its agent with access to the Establishment premises (and any other premises under the control of the Establishment or an agent of the Establishment) at times reasonably required by AUS-MEAT or the agent; for the purposes of reviewing the Establishment's compliance with these Program Rules.

## **3.4 Reference Material**

- 3.4.1 An Establishment which is certified in accordance with these Program Rules must always make current editions of the following documents available for reference by staff:
- these Program Rules.
  - the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)*;
  - Australian Standard AS 4696: 2007.
  - the relevant aspects of the Establishment's Management System; and
  - all other documents, which AUS-MEAT advises, must be made available for reference.

## **3.5 Notification of Changes to Establishment Operations**

- 3.5.1 The Establishment's management representative must notify AUS-MEAT in writing if the operation of the Establishment varies from the original application for Certification. Notification must be received by AUS-MEAT within 28 days of the variation occurring.

## **3.6 Notification of Significant Circumstances**

- 3.6.1 The Establishment's management representative must immediately notify AUS-MEAT where significant circumstances occur at an Establishment certified in accordance with these Program Rules which have the potential to jeopardise the welfare of animals or the reputation of AUS-MEAT or the Australian Meat and Livestock Industry including the actions taken to manage the situation.
- 3.6.2 The Establishment acknowledges that information concerning such circumstances may be provided to the Owner of the Trademark as may be necessary to protect the reputation of the Trademark.

### **3.7 Fees**

- 3.7.1 An Establishment which is certified in accordance with these Program Rules must pay all fees payable in connection with these Program Rules (including without limitation fees payable to AUS-MEAT, its agents, and Approved Auditors) and determined by AUS-MEAT.
- 3.7.2 All auditing costs will be borne solely by the Establishment wishing to apply for Certification.
- 3.7.3 An initial application fee and an annual certification fee may apply at a rate determined by AUS-MEAT as notified on request prior to an Establishment making application for Certification.
- 3.7.4 Goods and Services Tax (GST) will be payable by the establishment on all applicable fees and charges.

## **4. CERTIFICATION**

### **4.1 Application for Certification**

- 4.1.1 Each Establishment must apply to AUS-MEAT for Certification and supply all relevant information as required by AUS-MEAT. Each Establishment must notify AUS-MEAT of all changes to information provided at the time of application.
- 4.1.2 Each Establishment must pay all fees payable to AUS-MEAT or its agents connected with such an application.  
Rules

### **4.2 Management Responsibilities in Audits**

- 4.2.1 The Establishment shall:
- (a) inform relevant employees of the objectives and scope of the Verification Audit.
  - (b) nominate members of staff who may be required to accompany the Approved Auditor.
  - (c) provide all resources required by the Approved Auditor to properly carry out the Verification Audit.
  - (d) provide access to materials and records as requested by the Auditor.
  - (e) generally, co-operate with the Approved Auditor to ensure that the objectives of the Verification Audit are achieved; and
  - (f) follow-up with corrective action on Verification Audit reports as necessary.

### **4.3 Initial Verification Audit**

- 4.3.1 Prior to Certification, each proposed Establishment must arrange for an Approved Auditor to conduct a Verification Audit of its business in respect of which it is seeking Certification. All Verification Audits under this paragraph will be at the Establishment's sole expense.
- 4.3.2 Following a Verification Audit referred to in paragraph 4.3.1; AUS-MEAT will notify the Establishment of its decision concerning Certification and, if the Certification is granted, send a certificate detailing the scope of the Certification in accordance with paragraph 4.6.5.

#### 4.4 Certification Categories

##### 4.4.1 Each Establishment will be categorised by AUS-MEAT.

The general Certification Categories for these Program Rules are described as follows:

<b>N</b>	Not Certified	the Establishment is <u>not certified</u> in accordance with the Standard and the Program Rules;
<b>C</b>	Certified	the Establishment has demonstrated fulfilment of the requirements of the Standard and the Program Rules.;

The general category of Not Certified includes the following sub-categories:

<b>S</b>	Suspended	either voluntary or the AMILSC has applied a sanction to the Establishment in respect of animal welfare and has issued a show cause notice in accordance with paragraph 5.3.2 of these Program Rules; and
<b>W</b>	Withdrawn	Certification has been withdrawn either voluntarily or by AUS-MEAT on the advice of the AMILSC.
<b>C</b>	Cancelled	The Establishment has advised that certification is no longer required and has voluntarily cancelled its certification.

#### 4.5 Conduct of Verification Audits

##### 4.5.1 One (1) or more Approved Auditor(s) will undertake Verification Audits.

##### 4.5.2 On arrival at the Establishment, the Approved Auditor will contact the management representative of the Establishment and conduct an entry meeting. The Approved Auditor will explain the scope of the Verification Audit, the way it will be conducted, and endeavour to answer questions that management may have with respect to the Audit.

##### 4.5.3 The Verification Audit will be conducted in a manner to ensure that the requirements of the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)* are being fulfilled.

##### 4.5.4 Audit findings will be documented in an Audit report.

##### 4.5.5 The Approved Auditor will conduct an exit meeting and provide a written report of the Verification Audit noting:

- (a) whether or not the establishment has successfully demonstrated fulfilment of the requirements of the Standard.
- (b) any non-conformances detected and an evaluation of those non-conformances in accordance with table 1;
- (c) any requirements for correction and corrective action, appropriate follow up visit arrangements if necessary; and
- (d) whether or not the Establishment will be recommended for Certification.

##### 4.5.6 AUS-MEAT will not grant Certification if it considers that:

- (a) the Establishment's Quality Management System fails to detect, record and correct non-conformity, where in the opinion of AUS-MEAT such failure prejudices:
  - I. the reputation or integrity of AUS-MEAT; or
  - II. the interests of the Australian meat and livestock industry; or
  - III. the welfare of animals.

- 4.5.7 Following the Verification Audit, AUS-MEAT will notify the Establishment of its decision concerning Certification.
- 4.5.8 Where Certification of an Establishment is granted it will continue until either withdrawn or suspended in accordance with Section 5 of these Rules.
- 4.5.9 The Approved Auditor will evaluate non-conformances according to a non-conformance scale as shown in Table 1:

**Table 1: Non-Conformance Definitions**

Non-Conformance	Documented by	Definition
Critical Non-conformance	Documented on a Critical Incident Report (CIR)	In the opinion of the Approved Auditor or the AMILSC: <ul style="list-style-type: none"> <li>(a) may cause loss of integrity of the Australian meat and livestock industry or AUS-MEAT.</li> <li>(b) the Program Rules or the Industry Animal Welfare Standards have been compromised and animal welfare jeopardised.</li> <li>(c) there are enough non-conformances in an element to warrant a systems failure; or</li> <li>(d) a reoccurring major non-conformance which has not been addressed by corrective action.</li> </ul>
Major Non-conformance	Documented on a Corrective Action Request (CAR)	In the opinion of the Approved Auditor or the AMILSC: <ul style="list-style-type: none"> <li>(a) has the potential to compromise animal welfare or impinge on the integrity of the Australian meat and livestock industry or the AUS-MEAT.</li> <li>(b) if not addressed there would be potential for the non-conformity to further compromise the Program Rules or the Industry Animal Welfare Standards.</li> <li>(c) there are enough non-conformances in an element to warrant a systematic major non-conformance; or</li> <li>(d) reoccurring non-conformances which have not been addressed by corrective action.</li> </ul>
Minor Non-conformance	Documented on a Corrective Action Request (CAR)	In the opinion of the Approved Auditor or the AMILSC, there has been non-fulfilment of the Program Rules or the Industry Animal Welfare Standards that is not likely to directly impinge on animal welfare or the integrity of the Australian meat and livestock industry or AUS-MEAT.

#### 4.6 Follow Up Verification Audits

- 4.6.1 Follow up Verification Audits may be conducted to ensure that non-conformances raised during a Verification Audit have been corrected within the agreed time frame.
- 4.6.2 In some circumstances, a site visit may not be necessary and can be replaced by the submission of documents by the Establishment (e.g., by e-mail, surface mail or fax) that provide assurance the

non-conformance(s) has been corrected within the agreed time frame. This option, where appropriate, will be discussed and confirmed at the exit meeting.

- 4.6.3 Should any non-conformance not be corrected within the agreed time frame then a revised rectification date shall be established. Failure to take the necessary action by this revised date may result in the Establishment being issued with a show cause notice asking it to show cause why Certification should not be withdrawn.
- 4.6.4 The Verification Audit is closed out when in AUS-MEAT's opinion Establishment management has taken effective corrective action. If corrective action is not required to be taken by Establishment management as a result of the Verification Audit, the Verification Audit is closed out at the exit meeting.
- 4.6.5 Following successful completion and close out of the initial and each subsequent annual Verification Audits, AUS-MEAT will issue a certificate to the Establishment which will detail the scope of the Certification, and which will remain valid for a period of 14 months from the anniversary date of granting initial Certification unless otherwise determined by AUS-MEAT.

#### **4.7 Continuing Verification Audits**

- 4.7.1 An Establishment which is certified in accordance with these Program Rules will generally be audited once in a twelve-month period or at a frequency determined by AUS-MEAT. These Verification Audits are announced and scheduled with the Establishment.
- 4.7.2 Continuing Verification Audits will be conducted in the same manner as the Initial Verification Audit for Certification and will examine all aspects of the structure, documentation, management and conduct of the Establishment's Quality Management System relating to verification of conformance with the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)* and these Program Rules.
- 4.7.3 At the completion of each Verification Audit the Approved Auditor will conduct an exit meeting and provide a written report of the Verification Audit including a recommendation regarding continuing Certification.
- 4.7.4 Notwithstanding paragraph 4.7.1, on the advice of the AMILSC in accordance with paragraphs 4.8.1 and 4.8.2, AUS-MEAT may conduct additional random unannounced Verification Audits. The cost of these Verification Audits will ordinarily be borne by AUS-MEAT. However, AUS-MEAT, on the advice of AMILSC, may require all costs associated with the Verification Audit to be paid by the Establishment, where a breach of these Program Rules is recorded at the conclusion of the Verification Audit.

#### **4.8 Incident Investigation**

- 4.8.1 If AUS-MEAT becomes aware that significant circumstances may have occurred, at an Establishment which is certified in accordance with these Program Rules, which may have the potential to compromise the conformance of the Establishment with these Program Rules or the welfare of animals, the AMILSC may request that AUS-MEAT.
- 4.8.2 (a) conducts a random unannounced Verification Audit in accordance with paragraph 4.7.4  
(b) seek additional information.

#### 4.9 Major Non-Conformances

- 4.9.1 Where a Major Non-Conformance is identified, the non-conformance is described on a Corrective Action Request (CAR) form.
- 4.9.2 Where a CAR for a Major Non-Conformance is issued the Establishment must:
- (a) remedy the non-conformance; and
  - (b) provide any documentation to the Approved Auditor or AUS-MEAT which it may require.
- 4.9.3 The Establishment may be subjected to an increased Verification Audit frequency and costs associated with *conducting* all necessary subsequent Verification Audits may be charged to the Establishment.
- 4.9.4 Failure by an Establishment to correct a non-conformance within the time frame specified by an Approved Auditor may result in the CAR being elevated to a Critical Incident Report (CIR).

#### 4.10 Critical Non-Conformances

- 4.10.1 Without limiting an Establishment's obligations under the Program Rules, the occurrence of an act of animal cruelty, neglect or abuse which breaches the law constitutes a Critical Non-Conformance and will be handled in the following manner.
- 4.10.2 Where a Critical Non-Conformance is identified, the non-conformance is described on a Critical Incident Report (CIR) form.
- 4.10.3 Where a CIR is issued:
- (a) The Establishment must immediately advise the relevant Authorities of an identified CIR as follows:
    - I. Export Establishment (Tier 1 and Tier 2) - DAWE Representative (On Plant Veterinarian (OPV))
    - II. Domestic Establishment – State/Territory Authority
  - (b) the Committee will convene as soon as practicable to consider the CIR; and
  - (c) the Committee may do one or more of the following:
    - I. seek additional information.
    - II. suspend the Establishments Certification.
    - III. issue a show cause notice in accordance with paragraph 5.3.2.
    - IV. uphold the CIR; or
    - V. close the CIR and issue a CAR and determine in consultation with the Establishment a course of action to ensure that the Establishment is operating in accordance with these Program Rules and the Industry Animal Welfare Standards.
- 4.10.4 The Committee may recommend that AUS-MEAT notify relevant Authorities in accordance with Section 2.5 of these Program Rules.
- 4.10.5 The Committee may withdraw Certification as described in Section 5.3.
- 4.10.6 Where the Committee resolves to close the CIR and issue a CAR, Section 4.9 will apply.
- 4.10.7 The costs associated with conducting all necessary subsequent Audits may be charged to the Establishment.

## 5. CESSATION OF CERTIFICATION

### 5.1 Voluntary Withdrawal

- 5.1.1 An Establishment may by written notice to AUS-MEAT request withdrawal of Certification. Withdrawal is effective on receipt by AUS-MEAT of the notice. The Establishment must also return any Certification certificate issued to it to AUS-MEAT within 10 working days of forwarding the withdrawal notice.

### 5.2 Voluntary Suspension

- 5.2.1 An Establishment may by written notice to AUS-MEAT apply to have its Certification suspended while it is not operating. Suspension of Certification is effective on acceptance by AUS-MEAT of the notice. During a period of suspension of Certification, the Establishment must not handle or process Livestock at the Establishment.
- 5.2.2 The maximum period of suspension of Certification is twelve continuous months. In cases where a period of suspension exceeds twelve continuous months Certification will automatically lapse. Where Certification has lapsed, an Establishment may at any time reapply for Certification by following the same procedure as for initial Certification.
- 5.2.3 An Establishment may at any time within the twelve-month period, by written notice to AUS-MEAT, apply for re-instatement of the Establishment's Certification. On receipt of the written notice, AUS-MEAT will consider the application and where an Establishment's Certification has been suspended for a period of twelve months or more from the last Verification Audit date, conduct a Verification Audit of the Establishment prior to re-instatement of the Establishment's Certification.
- 5.2.4 Where Certification is suspended there will be no pro rata or full refund of any Certification fees. If Certification is re-instated prior to the Establishment's next Certification expiry date, no further fees are due.

### 5.3 Withdrawal of Certification

- 5.3.1 On the advice of the Committee, AUS-MEAT may suspend or withdraw Certification from an Establishment in the following circumstances:
- detection of a Critical Non-conformance in an Establishment including but not limited to evidence of animal cruelty, abuse, or neglect.
  - failure of the Establishment to permit reasonable access to an Approved Auditor or to cooperate with an Approved Auditor during any Verification Audit.
  - failure to maintain the Quality Management System or failure to take the specified corrective action.
  - failure to pay any fees associated with the Certification.
  - supplying false information or documentation; or
  - the Committee considers that the Establishment is unable or unwilling to comply with these Program Rules, the *Industry Animal Welfare Standard for Livestock Processing Establishments Preparing Meat for Human Consumption (AMIC Ed.3)* or any other requirements of AUS-MEAT in accordance with these Program Rules.
- 5.3.2 If any of these matters set out in paragraph above occurs AUS-MEAT may suspend Certification and serve a notice in writing on the Establishment stating:
- the grounds on which AUS-MEAT formed the belief by virtue of which the notice is given; and
  - that the Establishment may give AUS-MEAT a written statement within 14 days of receipt of the notice showing cause why it's Certification should not be withdrawn and, that if the Establishment fails to respond to the notice, its Certification may be withdrawn.



- 5.3.3 On the advice of the committee, AUS-MEAT will:
- (a) consider any written submission made by the Establishment.
  - (b) obtain and consider any other material that it may consider relevant; and
  - (c) decide:
    - I. not to take any further action.
    - II. to continue suspension of the Certification.
    - III. to withdraw the Certification; or
    - IV. to take such other steps regarding Certification as AUS-MEAT considers appropriate in the circumstances, including referring the matter to the Committee.
- 5.3.4 AUS-MEAT may adopt such procedures in deciding whether to withdraw the Certification of an Establishment as it considers necessary. These procedures may vary from time to time as, in the opinion of AUS-MEAT, the circumstances require.
- 5.3.5 Without limiting paragraph 5.3.4, the procedures in deciding whether to withdraw the Certification of an Establishment may be varied if, in the opinion of AUS-MEAT, it is necessary to do so in the interest of:
- (a) promoting, controlling, protecting, or furthering the interests of the Australian meat and livestock industry in relation to the welfare of Livestock at Australian Processing Establishments; and
  - (b) maintaining the integrity of the to the Australian Livestock Processing Industry Animal Welfare Certification System.
- 5.3.6 Where Certification of an Establishment is withdrawn, AUS-MEAT will notify the Establishment in writing and may advise Authorities in accordance with Section 2.5.
- 5.3.7 As a result of the withdrawal of Certification the Establishment will be removed from the Register of Establishments which have been certified. The Establishment must return its Certification Certificate.
- 5.4 Reapplying for Certification**
- 5.4.1 Where an Establishment voluntarily withdrew from Certification, an application may be made at any time following the same procedure as for initial Certification.
- 5.4.2 Where withdrawal of Certification has been initiated by AUS-MEAT, an application to AUS-MEAT for Certification cannot proceed until after a period of 28 days has elapsed from the date Certification was withdrawn. After this period has elapsed, application for Certification may be made to AUS-MEAT following the same procedure as for initial Certification.
- 5.4.3 In assessing any application for Certification in the circumstances described in paragraph 5.4.2 AUS-MEAT will consider those matters that exist, have existed or are likely to occur at the Establishment which may prejudice the welfare of animals, the reputation of AUS-MEAT or the interests of the Australian meat and livestock industry.
- 5.5 Right of Appeal**
- 5.5.1 Any refusal to grant Certification or any withdrawal of any such Certification is subject to a right of appeal by the affected Establishment to the Committee.
- 5.5.2 If the dispute is not resolved within 14 days of submission of the dispute to the AMILSC, or such other time as the Committee determines either party may, within 14 days after expiry of that period, request the President of the Law Society or equivalent in their State, or his nominee, to appoint an expert to determine the dispute.

- 5.5.3 In making a determination:
- (a) each expert must be required to determine the dispute considering these Program Rules and the Industry Animal Welfare Standards.
  - (b) each expert acts as an expert and not as an arbitrator.
  - (c) the experts' decision is conclusive, final, and binding on the parties (except in the case of manifest error).
- 5.5.4 The parties must pay the costs of the determination as determined by the expert.

## **6. TRADEMARKS**

### **6.1 Trademark**

- 6.1.1 The Trademark must not be used without the written permission of AMIC / AUS-MEAT. Permission under licence will only be given on such terms and conditions as AMIC determines from time to time.
- 6.1.2 Certification under these Program Rules does not allow the use of the AUS-MEAT Logo.

## **7. APPROVED AUDITORS**

### **7.1 Approval of Auditors**

- 7.1.1 The AMILSC will establish Criteria for Competency (Knowledge & Skills) and Experience for approval by AUS-MEAT of suitably qualified and competent auditors to conduct Verification Audits to determine conformance to the Industry Animal Welfare Standards for the purposes of Certification.
- 7.1.2 AUS-MEAT will maintain a register of Approved Auditors.

