

Exports Policy

Management of plant export registered establishments

Direction to staff

This is official instructional material of the Department of Agriculture, Fisheries and Forestry (the department). Failure to comply with it may result in a breach of relevant legislation and/or the code of conduct under section 13(5) of the *Public Service Act 1999*.

Purpose of this document

This document outlines the policy for the management and compliance of plant export registered establishments as detailed in the *Export Control Act 2020* (the Act) and specified in the Export Control (Plants and Plant Products) Rules 2021 (the Plant Rules).

Contents

This document contains the following topics.

Management of plant export registered establishments

Purpose of this document	1
Policy statement	3
Objective of this policy	3
Roles and responsibilities	3
Why are establishments registered?	6
What types of export establishments can be registered?	7
What export operations and functions can establishments be registered to perform?	7
What are the general construction, equipment and facility requirements?	8
Inspection bench	9
What are the general establishment management requirements?	9
Hygiene and pest control	9
Equipment and machinery	9
Waste	10
Chemical storage	
Traceability	10
Phytosanitary security and integrity	10
What are the additional requirements for establishments preparing hay and straw for export? .	11
ARGT sampling and testing	11
What are the requirements for registered functions?	11

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Treatment of horticulture products for protocol markets	11
Horticulture treatment facilities requiring approval from importing national plant protection organisation	12
Registration of treatment facilities	
Handling fruit fly PFA product outside of a PFA	
Documented systems	
Structural requirements	
Packing product post-treatment or PFA product outside of the PFA	
General requirements	
Structural requirements	
Documented systems	
Training	
Recognition of food safety certification for fresh fruit and vegetables	
Export compliant goods storage	
Quality Systems Recognition for grain and other processed plant products	
Mobile bulk loading	
Automatic in-line sampling systems of loose hay or straw	
What are the general application requirements?	
What is a fit and proper person (FPP) test?	
What are the audit and site assessment requirements?	
What are the registration fees and charges?	
Renewal of registrations	
Additional or corrected information in relation to application	
Notifiable changes in circumstance	
Variation of registration, registered export operations or registered functions	
Applying for a variation	
Alterations or additions	
Registered operations and registered functions	
Varying documented systems	
Other administrative variations	
Varying, suspending or revoking registration initiated by the department	
Suspension and revocation for non-payment of Commonwealth debts	
Direction to registered establishment occupiers	
Requesting a voluntary suspension of establishment or operations	
Cancellation of registration by the occupier	
Review of decisions	
Record keeping	22
Related material	
Contact information	24
Document information	24
Version history	
Appendix A: Definitions	
Appendix B: Legislation and related policy frameworks	
Related legislation	
Oocument information	24 24 26 29

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Policy statement

- The <u>Export Control Act 2020</u> provides that establishments may be registered to carry out kinds of export operations in relation to plants and plant products to all or specific overseas markets.
- Operations to prepare plants or plant products for export must be carried out at an establishment that is registered for those specific operations.
- Registered establishments must only carry out export operations for which they are registered.
- Different requirements in this policy apply to various types of establishments and the kinds of export operations that they are registered to carry out.
- The requirements manage the risks that different establishments pose to the integrity of the prescribed goods prepared at those establishments.
- Registered establishments and establishments seeking to be registered, must comply with the obligations and expectations in this policy to the extent they are relevant to the registration.

Objective of this policy

The objective of this policy is to clarify:

- requirements for an establishment to be registered for different plants and plant products and registered functions under the Act.
- the obligations of plant export registered establishments to maintain their registration under the Act
- the approach for a plant export registered establishment to request variation, suspension or revocation of the registration under the Act.
- regulatory responses the department may take in response to non-compliances with requirements by occupiers of plant export registered establishments under the Act.

Roles and responsibilities

Management of plant export registered establishments

The following table outlines the roles and responsibilities undertaken in this exports policy.

Role	Responsibility		
Accounts Receivable and Debt Management (ARDM)	Managing client accounts and respond to general payment enquiries.		
	 Referring debtors to Business Systems Program, Plant Export Operations for suspension where attempts to recover debt have been unsuccessful. 		
	Notifying Business Systems Program if a debtor makes payment on their account once a notice of intention to suspend or suspension is in process.		
Audit and Assurance Branch (AAB)	Auditing registered establishments against departmental performance standards and importing country requirements.		
	 Notifying the occupier of a registered establishment of audit outcomes. 		
	 Making directions under section 305 of the Act and notifying the occupier of outcomes. 		
	 Referring potential suspensions, variations or revocations of registration by the Secretary, to Business Systems Program. 		

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Role	Responsibility
Delegate, Audit and Assurance Branch (AAB)	 Suspending registered establishments where: The grounds for suspension under the Export Control Act 2020 apply the grounds for the suspension are serious and urgent or the occupier has failed to comply with a direction issued by an auditor under section 305 of the Act.
Delegate, Plant Export Operations Branch	For variations, suspensions or revocations of registration initiated by the department: • reviewing briefs for intention to vary, suspend or revoke registrations • reviewing occupier's response to the intention to vary, suspend or revoke • making decisions in relation to variations, suspensions and revocations (other than those • notifying the occupier of variations, suspensions and revocations.
Enforcement and Sanctions Branch	 Assessing applications from occupiers against fit and proper person criteria and providing advice to the delegate on their assessment. Checking for any outstanding debt owed to the Commonwealth for new registration applications during FPP assessment. Undertaking surveillance and investigations and carrying out compliance activities. Pursuing civil sanctions against occupiers of registered establishments.
Importing National Plant Protection Organisation (NPPO)	Perform site visits or assess documentation of horticulture treatment establishments and approve or reject treatment registered function in writing, where required by the relevant protocol.
Internal reviewer	 Review reviewable decisions, such as decisions to vary, suspend or revoke an establishment's registration. Decide whether to affirm, vary or set aside the original decision, in an appeal.

Version no.: 4

Management of plant export registered establishments

Role	Responsibility		
Occupier of the registered establishment (the occupier)	 Complying with technical and fit and proper person requirements for registration. 		
	 Submitting applications for registrations; variations including, change in documented systems, registered operations. 		
	 Complying with ongoing conditions of registration, such as importing country requirements and departmental performance standards. 		
	Notifying of changes in circumstances.		
	 Requesting suspension or cancellation of registration (deregistration). 		
	 Surrendering the certificate of registration when directed by the department. 		
	Complying with Authorised Officer directions.		
Plant Export Operations Branch, Business Systems Program (BSP)	Reviewing audit results and evidence of compliance/non-compliance for the purposes of making recommendations to the delegate to vary, suspend or revoke registrations.		
	 Preparing briefs for, and making recommendations to, the delegate regarding decisions to vary, suspend or revoke registrations. 		
	 Receiving changes in circumstances from occupiers of small horticultural products registered establishments and ensuring records are updated for charging purposes (where relevant). 		
Plant Export Operations Branch, Grain and Seed Exports Program	Assessing applications for grain and seed export registered functions, such as:		
(GSEP)	Automatic in-line hay sampling		
	Export compliant goods storage		
	Mobile bulk loading		
	Quality system recognition.		

Role	Responsibility		
Meat Exports Branch, Certification Management Group (CMG)	Reviewing EX26a and EX26b applications for registrations; variations including change in documented systems and registered operations		
	 Distributing applications to Grain and Seed Export Program, Enforcement and Sanctions, and Audit and Assurance Branch. 		
	 Making decisions in relation to applications for registration or variation, notifying the occupier of the outcome and issuing certificates of registration. 		
	 Entering and updating registered establishment details in the Establishment Registration database. 		
	 Receiving and actioning requests for suspensions and revocation of registration (deregistration). 		
	 Receiving changes of circumstances from occupiers (except changes in circumstances that relate to small horticultural products registered establishments). 		
	 Receiving and processing Application to revoke an establishment or revoke an occupier and add a new occupier (EX26c) 		
Plant Export Operations Branch, Horticulture Exports Program (HEP)	 Arranging site visits and documentation assessments by importing national plant protection organisations (NPPO) for horticulture protocol treatment facilities, where required. 		
	Notifying CMG and the occupier of the registered establishment, in writing, once an importing NPPO has either granted or rejected an establishment's treatment function for a relevant horticulture protocol treatments.		

Why are establishments registered?

Prescribed goods intended for export must be prepared and inspected at an establishment registered by the department under Australian export laws.

The purpose of registering an establishment is to:

- ensure the facilities available for the preparation and inspection of prescribed goods for export are fit for purpose
- ensure appropriate hygiene, and pest and contaminant control measures are maintained
- define the responsibilities for the occupier of the establishment to maintain and operate the establishment in a manner that ensures they meet the integrity, traceability and phytosanitary requirements of prescribed goods
- provide effective sanction where an establishment fails to meet the required standards.

The Guideline: Audit of plant export registered establishments and Reference: Performance standards - Plant export registered establishments detail the requirements that registered establishments must meet and are audited against.

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Version no.: 4

Management of plant export registered establishments

What types of export establishments can be registered?

Types of establishments include, but are not limited to:

- bulk commodity terminal
- packing facilities
- processing facilities
- freight forwarders
- storage facilities
- treatment facilities
- inspection facilities.

Wharfs (except those being used for Mobile Bulk Loading) and airport terminals are excluded from requiring registration.

What export operations and functions can establishments be registered to perform?

Establishments can be registered to prepare and/or inspect more than one commodity group for export (including commodities other than plants and plant products). Once they have been approved for one or more registered operations or registered functions, establishments can also apply to carry out additional registered operations or registered functions (see list below).

The department must assess the establishment against all applicable requirements for each separate registered operation or registered function. An application for more than one kind of export operation and more than one kind of commodity group may be accepted in whole or in part.

The following is a list of the available registered operations (for details, refer to the Reference: Registered operation and function codes for plant export registered establishments):

- packing/inspecting cotton
- packing/inspecting fodder (including hay and straw)
- packing/inspecting forest products
- packing/inspection grain and seed
- packing/inspecting nuts
- packing/inspecting processed plant products
- inspecting dried fruit
- inspecting fresh fruit
- inspecting fresh vegetables
- inspecting cut flowers and nursery stock.

The following is a list of the available registered functions:

- export compliant goods storage (ECGS)
- mobile bulk loading (MBL)
- quality systems recognition (QSR)
- automatic in-line hay sampling (AIHS)
- handling of fruit fly pest free area (PFA) horticulture products outside of a PFA
- packing treated product or product from a PFA outside of the PFA
- washing potatoes (Victorian facilities only for exports to the Republic of Korea)
- treatment of fresh fruit and vegetables for protocol markets including
 - onshore cold treatment

Management of plant export registered establishments

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- methyl bromide fumigation
- sulphur dioxide/carbon dioxide fumigation
- o irradiation
- vapour heat treatment
- o dimethoate dipping.

Notes:

- For more information, go to section: What are the requirements for registered functions?
- For the list of plant export registered operation and registered function codes go to Reference: Registered operation and function codes for plant export registered establishments.

What are the general construction, equipment and facility requirements?

General construction, equipment and facility requirements apply to all plant registered establishments, for the kind of export operations or functions they are registered to perform.

A registered establishment must be constructed to allow all operations for which the establishment is registered, to be carried out effectively and hygienically.

The construction must:

- provide adequate lighting for inspection and other operations as required
- provide adequate ventilation in treatment areas
- include an impervious floor, such as concrete, where sheeted fumigation enclosures are used
- allow effective cleaning of floors and surrounds (including ground surfaces for outdoor log yards and woodchip storages) in the goods handling areas
- minimise entry points (except for outdoor log yards and woodchip storages) and harbourage for pests or diseases
- minimise the possibility of contamination or re-infestation of goods during preparation
- minimise the accumulation of dust and residues
- allow effective cleaning of equipment and machinery used in the preparation or handling of the goods
- provide for the disposal of all waste material, including liquids and solids in an efficient and hygienic manner
- provide adequate sampling, office, handwashing and toilet facilities.

If testing and analysis of samples of prescribed plants or plant products or other things are to be carried out at an establishment, the establishment and its equipment and facilities must be constructed to allow the testing and analysis to be carried out. For example, Annual Ryegrass Toxicity (ARGT) sampling and testing (for more information see What are the additional requirements for establishments preparing hay and straw for export?).

If screening of prescribed plants or plant products is to be carried out at an establishment, the establishment and its equipment and facilities must be constructed to allow the screening to be carried out. For example, screening of grains and seeds during preparation for contaminants.

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Version no.: 4

Management of plant export registered establishments

Inspection bench

Where an establishment is registered to perform inspections, an inspection bench must be provided and:

- be fit for purpose, that is, of adequate size and nature to allow for the inspection
- have adequate lighting, no less than 600 lux (the light can be natural or artificial).

Important: For establishments registered for horticulture inspections, the bench must be white. If using stainless steel, it must be covered with a suitable white material prior to each inspection.

Note: An inspection bench is not required at a registered establishment that is a log yard.

What are the general establishment management requirements?

General establishment management requirements are those that apply to all plant registered establishments, regardless of the registered operations or registered functions they are to perform.

It is the responsibility of the occupier to maintain the establishment in a hygienic condition and have documented systems to manage hygiene, pest and contaminant control and waste, and to present goods and transport units that are fit for export.

Note: Importing countries may require additional hygiene measures from registered establishments.

Hygiene and pest control

- Registered establishments must:
 - o be cleaned regularly to ensure they are maintained in a hygienic manner
 - have a documented pest control system that includes preventative and protective measures against pests.
- All parts of the registered establishment, including surrounds, must be maintained and operated in a hygienic manner that does not allow for cross-contamination or the harbouring of pests.
 This includes, but is not limited to, freedom from:
 - o uncontrolled rubbish/waste
 - o unmanaged commodity spillages
 - build-up of commodity residue or dust
 - o uncontrolled pooling of water
 - weeds/weed seeds
 - o infestible material (materials that are susceptible to being infested by pests)
 - unused machinery
 - abandoned crops
 - o dunnage, timber and pallets
 - tyres, tarps and drums.

Note: Residues of commodities and dust found in or around structures can harbour pests and disease. Residues that are left undisturbed for periods of time may harbour infestations of insect eggs, pupae or larvae, and rodents.

Equipment and machinery

- Equipment and machinery must be thoroughly inspected and cleaned of any residues or debris before and after use.
- Handling equipment and machinery must have cleaning hatches or access points to allow for adequate cleaning of hard-to-reach places.

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Date published: 2/05/2024 Official 9 of 29

Equipment and machinery must be maintained so that it meets the standard and requirements expected at time of registration (see What are the general construction, equipment and facility requirements?).

Waste

- Registered establishments must have a documented system for waste removal and cleaning.
- Any substance or residue of prescribed goods that is likely to contaminate, harbour pests or provide a source of infestation must not be stored or handled in a building or area used for the preparation of prescribed goods for export, or stored in any area likely to create a source of contamination.
- Dust, debris, waste, screenings and any other residue (other than that put aside for further preparation) must be removed from areas where prescribed goods are prepared, and must be removed from the establishment on a regular basis.

Chemical storage

- Toxic substances must not be stored in an area or a building where prescribed goods are handled or stored.
- Rodenticides, fumigants, fungicides, insecticides or other toxic substances must be stored in a manner that will prevent contamination of prescribed goods or anything that may come into contact with them.

Traceability

Registered establishments must:

- ensure the integrity of goods being prepared at the registered establishment by putting measures in place to minimise the risk of infestation and contamination
- have a documented system for traceability through the establishment including receival and dispatch records
- keep goods that have passed inspection and goods that have not been inspected or failed inspection separate
- have systems in place to minimise the risk of substitution (switching of goods) or tampering
- complete transfer records for any incoming or dispatched horticulture goods with a phytosanitary status.

Phytosanitary security and integrity

Management of plant export registered establishments

- Phytosanitary security must be maintained for all goods that are intended for export from the time the goods attain a phytosanitary status.
- Goods that have a phytosanitary status must be kept secure and identifiable at all times to maintain the integrity of goods. That is, they must be adequately protected to prevent infestation or contamination which would lead to loss of the condition or description, and labelled to prevent substitution.
- Further phytosanitary security requirements may be set out in the relevant commodity-specific inspection or registered operation guidelines on the PEOM. For example,
 - horticulture establishments must meet the phytosanitary security requirements in the Guideline: Maintenance of phytosanitary security for horticulture exports
 - ECGS establishments must meet the requirements in the Guideline and Reference for Export compliant goods storage and the Reference: Export compliant goods storage hazard identification and mitigation survey.

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What are the additional requirements for establishments preparing hay and straw for export?

In addition to general requirements, registered establishments preparing hay and straw for export

- have documented systems and processes in place to ensure hay sourced for export will meet (subject to final secondary processing) importing country requirements
- be subject to secondary processing in a registered establishment that as a minimum involves teasing or x-ray, slicing, and metal detection prior to packing
- comply with ARGT sampling requirements set out below.

ARGT sampling and testing

Registered establishments that process cereal (oat, barley and wheaten) hay or straw for export must arrange for sampling and laboratory testing of the goods to ensure that ARGT is not present.

Hay and straw establishments must comply with the Standard for Minimising the Risk of Corynetoxin Contamination of Hay and Straw for Export and the requirements set out in Guideline: Inspection of hay and straw for export.

What are the requirements for registered functions?

Occupiers of registered establishments conducting or intending to conduct the following registered functions must meet additional requirements:

- treatment of horticulture goods for protocol markets
- washing potatoes (Victorian facilities only for exports to the Republic of Korea)
- handling fruit fly PFA product outside of a PFA
- **AIHS**
- QSR for grain and other processed plant products
- MBL for prescribed grain products and wood chips
- ECGS for bulk plants and plant products (excluding horticulture)

For further information see the relevant registered operation Exports Process Instruction or commodity-specific inspection Exports Process Instructions on the PEOM.

Treatment of horticulture products for protocol markets

- Treatment facilities conducting the following treatments of fresh fruit and vegetables for protocol markets only must be a registered establishment
 - o onshore cold treatment
 - o methyl bromide fumigation
 - sulphur dioxide/carbon dioxide fumigation
 - o irradiation
 - vapour heat treatment
 - o dimethoate dipping.

Management of plant export registered establishments

- Phytosanitary treatments applied to prescribed goods at a registered establishment must be done in accordance with departmental treatment standards and any protocol requirements.
- The method must be effective in killing, inactivating, rendering infertile, devitalising or removing the target pest or contaminant.
- Treatments applied to prescribed goods intended for export must be applied correctly.

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- For chemical treatments, the chemical must be used in accordance with its registered label or permit for off-label use and acceptable to the importing country authority.
- Fumigators must hold the relevant State fumigation licence.

Horticulture treatment facilities requiring approval from importing national plant protection organisation

Some horticultural treatment registered functions require approval from the importing NPPO to meet importing country requirements. Often this approval is subject to a site visit by an officer from the importing NPPO. In these and other cases, the approval process may become protracted due to costs and logistics.

Where importing NPPO approval is required and the department has assessed that the establishment meets all other requirements, approval for the treatment function may be granted. However, treatment functions to these markets must not be undertaken by the establishment until the NPPO approval is granted.

The NPPO approval process must be undertaken by the department in accordance with Guideline: Administering Applications for plant export registered establishments.

Registration of treatment facilities

Initial audits

 Registered establishments must be audited for any new registered functions being added to the establishment.

Note: The department may approve a request to add a commodity or market without the need for an initial audit where there is no additional requirements for the new commodity and/or market compared to the establishment's existing approvals.

- Initial audits must include a demonstration of the treatment being carried out.
- New registered functions will be audited by the department within 3 months after initial approval to ensure compliance.
- Audits must be conducted as per Guideline: Audit of plant export registered establishments.

Designated roles

Treatment facilities must designate the following responsibilities to staff:

- receivals
- treatment
- storage
- load-out.

Training

- Treatment facilities must ensure staff are appropriately trained in the department's relevant treatment standard(s) and any protocol requirements where it relates to their role.
- All methyl bromide fumigation facilities for protocol markets must engage a treatment operator
 who has completed the department's (Compliance Division) methyl bromide fumigation training
 and assessment.

Note: For information, or to register for the methyl bromide fumigation training and assessment please contact the <u>Horticulture Exports Program</u>.

Treatment operators

Management of plant export registered establishments

• Treatment facilities must nominate the treatment operator(s) who will be responsible for the application of the phytosanitary treatment.

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- The approved treatment operator must comply with the performance standards or methodology relevant to the application of the relevant treatment.
- Details of the nominated treatment operator must be recorded in the establishment's standard operating procedures and be verified at audit.
- Fumigators for horticulture export protocol markets only must record a unique code on their treatment certificates. This code will be AU for Australia, followed by the 4 digit registered establishment number and then MB for methyl bromide, AUXXXXMB.

Applying the treatment

Treatments must be carried out as per the following standards, in addition to any specific importing country requirements:

- Australian phytosanitary treatment application standard for cold disinfestation treatment
- Australian phytosanitary treatment application standard for dimethoate dipping treatment
- Australian phytosanitary treatment application standard for irradiation
- Australian phytosanitary treatment application standard for vapour heat treatment
- Sulphur dioxide/carbon dioxide fumigation methodology
- Methyl bromide fumigation methodology and Guide to performing QPS fumigations with methyl bromide.

Traceability

Treatment facilities must:

- maintain traceability for specific treatment lots, where treatment has been applied
- provide traceability information to the receiving establishment
- keep receival/loading records of product from farms and/or packhouses
- label product as 'treated' once the treatment is complete.

Post-treatment security

Treatment facilities must maintain phytosanitary security of the treated product as per the Guideline: Maintenance of phytosanitary security for horticulture exports.

Documented systems

Registered establishments must have documented systems as per the individual treatment performance standards:

- Reference: Performance standards dimethoate dipping horticulture exports
- Reference: Performance standards irradiation treatment horticulture exports
- Reference: Performance standards methyl bromide fumigation horticulture exports
- Reference: Performance standards onshore cold treatment horticulture exports
- Reference: <u>Performance standards sulfur dioxide/carbon dioxide fumigation horticulture exports</u>
- Reference: Performance standards vapour heat treatment horticulture exports.

Changes to documented systems

Management of plant export registered establishments

The department must be notified of a change in documented systems for conducting a treatment before the change is implemented. Refer to **section**: <u>Conditions of registration</u> for more information on updating documented systems.

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Handling fruit fly PFA product outside of a PFA

- Registered establishments wanting to deconsolidate, pack, inspect or further treat horticultural
 product from fruit fly PFAs, that are located outside the PFA the product has come from, must
 be approved by the department.
- These establishments must comply with the product security and movement requirements in the Guideline: <u>Maintenance of phytosanitary security for horticulture exports</u>.
- If also applying to treat fruit fly PFA product outside of a PFA, the registered establishment must be approved for the relevant treatment registered function and must be able to demonstrate that the fruit fly free status of the product can be maintained.

Documented systems

The facility must have a documented system on how fruit fly PFA product is handled at all stages relevant to the registered function being applied for within the registered establishment, which may include:

- receival
- storage
- deconsolidation
- packing
- inspection
- treatment
- load-out
- outgoing transport.

Structural requirements

- The establishment must have a fully secure insect-proof space where the product can be deconsolidated, packed, inspected or treated and re-secured before being loaded into an air-can or shipping container.
- The doors of the insect-proof space must be suitably designed to reduce the entry of pests. This
 may include the use of an antechamber, knockdown area, airlock, double doors, automatic
 doors, rubber curtains, air curtains or other mechanism.

Note: An antechamber should be designed with attributes that discourage or eliminate pests entering, for example, painted black so as not to attract insects, containing insect traps, or be regularly sprayed with an insecticide.

Packing product post-treatment or PFA product outside of the PFA

Facilities wanting to pack product post-treatment or pack PFA product outside of the PFA must be a Registered Establishment and approved for the relevant function.

Establishments may only utilise this function where its use is permitted by the pathway and/or protocol.

The registered establishment must be able to demonstrate that the phytosanitary status of the goods can be maintained whilst packing. The packing site must also be an accredited property for the purposes of packing if required by the relevant protocol.

General requirements

Management of plant export registered establishments

All product must be secure at carton or pallet level prior to transport from the PFA or treatment facility to the packing site. Fruit bins may be secured as a pallet if they are fully sealed, including the top and the bottom of the bin.

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Product must be moved directly from the PFA or treatment facility to the packing facility; it may not visit unregistered sites en-route.

The facility must nominate personnel in their Standard Operating Procedures who will be responsible for the oversight of packing treated and PFA product within the packing area. These personnel must ensure the following are in place prior to packing:

- the insect-proof status of the packing area is in-place and is maintained until product is packed and secured.
- no other product is unsecured in the packing area
- the packing area and packing line are clean and free from pests and contaminants
- all waste (discarded fruit, leaves and the like) has been removed from the insect-proof space.

Phytosanitary security

The facility manager or responsible staff must comply with the product security and movement requirements in the Guideline: Maintenance of phytosanitary security for horticulture exports.

All product must be secured by an approved method of phytosanitary security (as outlined in the Guideline: <u>Maintenance of phytosanitary security for horticulture exports</u>) before the insect-proof status within the packing area may be compromised. Where product is stored after packing, it must maintain phytosanitary security.

Structural requirements

The treatment chamber (if applicable) and packing area must be fully insect-proof and capable of maintaining the phytosanitary security of goods.

The doors of the insect-proof space in the packing area must be suitably designed to reduce the entry of pests. This may include the use of an antechamber, knockdown area, double doors, automatic doors, rubber curtains, air curtains or other mechanism.

Documented systems

The facility manager or responsible staff must have a documented system detailing how product is handled and packed post-treatment or from the PFA, which must include:

- receival at treatment facility (if applicable)
- storage
- treatment procedures (if applicable)
- transport to packing facility
- packing, including
 - o cleaning processes
 - o procedures to ensure the insect-proof space is maintained
- load-out
- phytosanitary security procedure as per Guidline: <u>Maintenance of phytosanitary security for horticulture exports</u>
- traceability procedures.

Management of plant export registered establishments

Training

Facility managers or responsible staff must ensure staff are appropriately trained to undertake the following tasks:

activities relating to relevant treatment standards and any protocol requirements.

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- handling of PFA and treated goods, including transport of fruit from PFA or treatment facility to packhouse
- oversight of packing PFA and treated product and ensuring the integrity of the insect-proof space prior to packing.

Recognition of food safety certification for fresh fruit and vegetables

Current food safety certification to a Global Food Safety Initiative (GFSI) benchmarked scheme can be recognised as evidence in meeting some of the documentation requirements associated with pest control, hygiene and waste management activities.

In Australia, the GFSI benchmarked fresh produce food safety schemes are GLOBALG.A.P., Freshcare, British Retail Consortium (BRC) and Safe Quality Food (SQF). These schemes are also recognised under the <u>Harmonised Australian Retailer Produce Scheme</u> (HARPS).

The department will annually verify the fresh produce safety schemes maintain GFSI benchmarking.

Export compliant goods storage

ECGS is an approved receptacle within a registered establishment where goods that have passed inspection are stored prior to export. This allows exporters of bulk plants and plant products (excluding horticulture) to have prescribed goods ready for export at an earlier stage in the supply chain and securely stored for up to 28 days before export.

Establishments must already be registered before they can apply for ECGS.

ECGS establishments must comply with the requirements in the Guideline: <u>Export compliant goods storage</u> and Reference: <u>Export Compliant Goods Storage</u>.

Quality Systems Recognition for grain and other processed plant products

QSR allows for the recognition of audited quality systems to streamline phytosanitary approval. This registered function is available to establishments registered for grain and other processed plant products. QSR is designed for securely packaged goods that are highly processed, where the processing of the product mitigates phytosanitary risks.

Establishments must already be registered before they can apply for QSR.

QSR establishments must comply with the Guideline: <u>Quality system recognition of highly processed</u> plant products for export.

Mobile bulk loading

Management of plant export registered establishments

MBL is an alternative export pathway to fixed bulk terminals. MBL uses portable handling equipment (for example, a belt conveyor, auger) used to load whole or split grain and seed, grain milling fractions and/or woodchips into a bulk vessel.

MBL establishments and operations must comply with the Guideline: <u>Mobile bulk loading of prescribed goods for export</u>.

Automatic in-line sampling systems of loose hay or straw

AIHS is a registered function where establishment's hay processing system line has been set up, calibrated and approved to provide subsamples of loose hay or straw at defined intervals during production of hay for export. Hay samples collected through an approved automatic in-line system must be clearly labelled and be inspected by an AO.

AIHS establishments must comply with the automatic in-line sampling system requirements set out in Guideline: <u>Inspection of hay and straw for export</u>. Further information is set out in Work Instruction: <u>Inspecting loose hay or straw for export in-line</u>.

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Important: The department may vary an establishment's approval and remove their registration for AIHS operations, if the requirements for this type of sampling outlined in this policy are not complied with. See section: Varying, suspending or revoking registration by the department.

What are the general application requirements?

The occupier of an establishment wishing to become a plant export registered establishment must submit an Application to register an establishment and/or approve a proposed arrangement (EX26a) to the department along with an Application for registration as a plant export registered establishment and/or associated operations and functions (EX26d).

Applications for registration must be processed and considered by the department as per Guideline: Administering applications for plant export registered establishments.

Important: An application for registration (EX26a), or request a variation to add registered operations or registered functions (EX26b) must not be submitted unless:

- the occupier is the occupier of the establishment (is in possession of the establishment/able to access the establishment and its surrounds)
- the establishment has been constructed
- the establishment is currently meeting the requirements and is ready for facilities and operations to be assessed.

The following information must also be provided in, or attached to, the application form:

- a locality map showing the site in relation to the local area and the external boundary of the premises, including all the important features of the site and adjoining sites
- plans or diagrams giving the general structural and operational layout of the establishment including
 - o all major dimensions, the scale and details of inspection facilities and any required amenities
 - o elevations of all buildings of the establishment
 - o a general floor plan
 - o the actual area being registered if it is a sub-section of the establishment
 - a floor plan of processing areas, showing all permanent fixtures and the layout of equipment
- a product flow chart and main features of product flow and details of the type of products to be handled
- a documented hygiene and waste management program
- a documented pest control program.

Note:

- The records associated with each of the above listed programs are not required at the time of application.
- Locality map, plans or diagrams, product flow charts and documented programs will be assessed and audited on an ongoing basis.
- Establishments applying to be newly registered may not apply for ECGS or QSR registered functions.

What is a fit and proper person (FPP) test?

The FPP test is a process of consideration by the Secretary (or delegate) of whether a person, or company, is of a trustworthy nature and demonstrates the personal integrity to export agricultural goods from Australia. Section 372 of the Export Control Act 2020 sets out the elements the department considers in an FPP test, and includes consideration of any overdue debt an applicant has to the department.

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Version no.: 4

Management of plant export registered establishments

FPP tests are performed when a person or company applies to register an establishment or vary an existing establishment to change persons in management.

The FPP test is applied to:

- applicants
- company directors
- key people in management or control
- 'associates' of these people.

An FPP test must be conducted in accordance with the Departmental Policy: <u>Fit and proper person</u> test under the Export Control Act 2020.

What are the audit and site assessment requirements?

Registered establishments may be audited and undergo a site assessment in accordance with the Guideline: Audit of plant export registered establishments.

Note: Audits and assessments of applications are subject to fees. These fees are outlined in the Department of Agriculture, Fisheries and Forestry Charging Guidelines.

What are the registration fees and charges?

- Establishments applying for new registration are liable to pay an application fee. Application fees do not apply to applications to vary registrations.
- If the application is successful, the registered establishment will be liable to pay ongoing annual registration charges.
- Fees and annual charges for plant export registered establishments are outlined in the Department of Agriculture, Fisheries and Forestry Charging Guidelines.

Renewal of registrations

Unless an expiry date is specified on the certificate of registration, renewal of registration is not required. Registration is not time limited. Registration will remain valid until revoked or varied by the department, or until voluntary revocation is requested by the occupier.

Additional or corrected information in relation to application

If the occupier of a registered establishment becomes aware that information included in an application made by the occupier, or information or a document given to the Secretary in relation to such an application, was incomplete or incorrect, the occupier of a registered establishment must give the Secretary additional or corrected information, to the extent that it is relevant to assessing whether:

- the requirements of the Act in relation to a matter covered by the registration of the establishment have been, are being, or will be complied with
 - or
- the importing country requirements in relation to a matter covered by the registration of the establishment have been, are being, or will be met.

Notifiable changes in circumstance

The department must be notified in writing, to <u>Certification Management Group</u>, of the following changes in circumstance of the registered establishment:

• a change of persons in management or control

Management of plant export registered establishments

• if the occupier is a partnership—a change in the membership of the partnership

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- if the occupier is an individual—the individual enters into a personal insolvency agreement under Part X of the *Bankruptcy Act 1966*.
- if the occupier is a corporation—the corporation
 - enters into administration (within the meaning of section 435C of the *Corporations Act 2001*)
 or
 - o is to be wound up (whether by a court or voluntarily).
- a change in the trading name, business address or contact details of the occupier.

If the establishment is a small horticultural products registered establishment (SHPRE), the occupier must notify the department in writing, to <u>Business Systems Program</u>, of the following changes in circumstance:

- the occupier ceases to be the grower of the relevant horticultural products covered by the registration
- the occupier becomes the occupier of another registered establishment
- the establishment starts to carry out operations to prepare goods for export other than horticultural products referred to in column 1 of the table in subsection 1-8(8) of the Plant Rules.

The department must process the notification in accordance with Guideline: <u>Administering applications for plant export registered establishments</u>.

Variation of registration, registered export operations or registered functions

Applying for a variation

Applications to vary an aspect of a registered establishment must be signed by a person in management and control and listed in the department's Establishment Register (ER).

Alterations or additions

The occupier of a registered establishment may apply to the department to approve an alteration or addition to their registered establishment. The occupier must provide copies of the plans to demonstrate the alteration or addition.

Note:

- An occupier does not need to apply for an alteration to their registered establishment if the alteration does not affect compliance with conditions of registration of the establishment.
- An unauthorised alteration of, or addition to a registered establishment, may provide grounds for variation, suspension or revocation of registration.

Registered operations and registered functions

Management of plant export registered establishments

The occupier may apply to vary their registration if they wish to add or remove a registered operation or registered function.

For more information about plant export registered operations and registered functions, see Reference: Registered operation and function codes for plant export registered establishments.

A variation of export operations or registered functions is made by the occupier submitting the following to <u>Certification Management Group</u>:

- Application to vary an establishment registration and/or approved arrangement (EX26b)
- Application for registration as a plant export registered establishment and/or associated operations and functions (EX26d)

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 any additional information or documents specified in instructional material or on the application forms.

For further information on the requirements for registered operations and registered functions, see the relevant guidance material on the Plant Export Operations Manual.

Varying documented systems

The occupier may apply to vary the establishment's documented systems.

The establishment must notify the auditor of any variations to documented systems at the next registered establishment audit.

Other administrative variations

The occupier may apply to vary particulars relating to the registration or any other aspect of the registration, for example:

- Correcting an error in the details of the registration, for example a contact phone number.
- To add, remove or otherwise change the name of a person listed in management and control at the establishment.

To apply to vary this information submit an <u>Application to vary an establishment registration and/or approved arrangement (EX26b)</u> to <u>Certification Management Group</u>. Applications for variation of registration or operations must comply with the process outlined in Guideline: <u>Administering applications for plant export registered establishments</u>.

Varying, suspending or revoking registration initiated by the department

The department may:

- vary an establishment's registration, including by removing registered operations or registered functions, or by adding or imposing a tailored condition
- suspend the entire registration, or suspend one or more registered operations or registered functions
- revoke an establishment's registration entirely

where certain circumstances specified in the Act or Plant Rules arise.

In particular, the department may take one or more of these actions where the registered establishment is failing to meet legislative obligations or importing country requirements.

The department may do this immediately if the need for the action is serious and urgent. For example, where there is a serious and urgent need to suspend a registration to protect Australia's trade reputation and market access, and address a hygiene or phytosanitary risk that the establishment cannot control or resolve, such as a mouse plague.

A decision to vary, suspend or revoke an establishment may be triggered in several ways, including but not limited to adverse findings:

• identified at an audit

Management of plant export registered establishments

- in an FPP report
- detected through reports and complaints, investigations, surveillance, requests for information, or other compliance activities undertaken by the department.

Variations, suspensions or revocations of an establishment's registration must be conducted as per Guideline: Regulatory responses to plant export registered establishments.

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Suspension and revocation for non-payment of Commonwealth debts

The department may also suspend the registration of an establishment in whole or in part if a relevant Commonwealth liability of the occupier is more than 30 days overdue. The Secretary will give written notice to the debtor, providing 8 days to:

pay the relevant debt

or

• enter into an arrangement to pay the debt.

After this period the department may suspend the establishment's registration.

The Secretary may revoke the registration of an establishment if, within 90 days from the start of a suspension, a relevant debt is not paid, or the debtor has not entered into a payment arrangement with the department.

An action to suspend and revoke an establishment's registration for non-payment of Commonwealth debts must be undertaken in accordance with Guideline: Regulatory responses to plant export registered establishments.

Direction to registered establishment occupiers

Powers relating to directions are outlined in section 305 of the Act. These powers are exercised from time to time by departmental auditors and staff to respond to matters of non-compliance at a registered establishment.

Directions may be used in circumstances where it is necessary to escalate an instruction to an occupier because an auditor's initial request has not been followed or complied with.

An auditor may direct a registered establishment to undertake a specified operation within a specified time period to address the non-compliance identified. This direction must be issued in accordance with the process outlined in Guideline: Regulatory responses to plant export registered establishments.

Requesting a voluntary suspension of establishment or operations

The occupier of a registered establishment may make a request to the department to suspend some or all of their registered operations or registered functions at the establishment for a period of time.

A request from an occupier to suspend the registration of their establishment must only be made if:

- a circumstance has arisen that prevents, or will prevent, a kind of export operations being carried out at the establishment.
- the occupier considers that it will not be possible or practicable for a kind of export operations to be carried out at the establishment for any other reason.

A request from an occupier to suspend the registration of their establishment must:

- be made in writing to Certification Management Group
- state which registered operations or functions, prescribed goods or overseas markets the occupier wishes the registration to be suspended for, and
- state the reason for the suspension.

Management of plant export registered establishments

Note: When a suspension at the request of the occupier is lifted by the department, an audit will be conducted by the department within at least 3 months.

Cancellation of registration by the occupier

Occupiers of registered establishments that do not wish to continue their registration must provide written notification to the department's <u>Certification Management Group</u> requesting revocation.

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This must be in the form of an <u>Application to revoke an establishment or revoke an occupier and add</u> <u>a new occupier (EX26c)</u> and include the reasons for the request.

Review of decisions

The department accepts that on occasion adverse decisions may be subject to dispute. In these circumstances the Act provides the right of the occupier to appeal or seek review of:

- an adverse decision on an application for registration, or application for variation
- an adverse decision by the department to vary, suspend or revoke the registration of the establishment.

Requests for internal review or to appeal a decision must be submitted to <u>Business Systems</u> <u>Program</u>.

The department must process an application for review of an adverse decision in accordance with Guideline: <u>Administering applications for plant export registered establishments</u> and Guideline: <u>Regulatory responses to plant export registered establishments</u>.

The appeals mechanism is staged. Appeals occur in the following order:

- 1. Internal review: appeal to a delegate who:
 - a. did not make the original decision
 - b. is a position senior to the person who made the original decision
 - c. has the required delegation to review a decision
- 2. External review: Review by the Administrative Appeals Tribunal.

Note: The onus of the department appeals process is on the occupier to provide either objective evidence or proof of extenuating circumstance as to why they believe that the adverse findings are incorrect.

Record keeping

The maintenance of records is required under legislation to assist the department in monitoring the effectiveness of the establishment's registered operations and registered functions.

- Documentation in relation to applications, registrations, renewals, suspension, revocations and audits must be retained for a period of at least 2 years.
- Records must meet the requirements outlined in the Guideline: <u>Supporting documents for plant</u> <u>exports</u> and be supplied to the department when requested.
- The occupiers of registered establishments must maintain records of
 - registration details
 - plans and specifications
 - hygiene systems
 - cleaning activities

Management of plant export registered establishments

- o waste management systems and activities
- pest control systems and activities
- traceability
- treatments (horticulture protocol markets only)
- o training of staff in relation to treatment procedures and product security (horticulture protocol markets only).

Note: For more guidance about record keeping go to Reference: <u>Performance standards for plant</u> export registered establishments.

Related material

The following related material can be accessed via the <u>Plant Export Operations Manual (PEOM)</u> on the department's website:

- Reference: Application to register an establishment and/or approve a proposed arrangement (EX26a)
- Reference: Application to vary an establishment registration and/or approved arrangement (EX26b)
- Reference: Application to revoke an establishment or revoke an occupier and add a new occupier (EX26c)
- Reference: Application for registration as a plant export registered establishment and/or associated operations and functions (EX26d)
- Guideline: Audit of plant export operations
- Guideline: Audit of plant export registered establishments
- Guideline: Export compliant goods storage
- Guideline: Inspection of hay and straw for export
- Guideline: Maintenance of phytosanitary security for horticulture exports
- Guideline: Mobile Bulk Loading of prescribed goods for export
- Guideline: Quality System Recognition of highly processed plant products for export
- Guideline: Supporting documents for plant exports
- Reference: Export compliant goods storage
- Reference: Export compliant goods storage (ECGS) hazard identification and mitigation survey
- Reference: Performance standards dimethoate dipping horticulture exports
- Reference: Performance standards irradiation treatment horticulture exports
- Reference: Performance standards methyl bromide fumigation horticulture exports
- Reference: Performance standards onshore cold treatment horticulture exports
- Reference: Performance standards sulfur dioxide/carbon dioxide fumigation horticulture exports
- Reference: Performance standards vapour heat treatment horticulture exports
- Reference: Performance standards for handling fruit fly PFA product outside of a PFA
- Reference: Performance standards packing post-treatment or PFA product outside of the PFA
- Reference: Performance standards for plant export registered establishments
- Reference: Plant export operations instructional material glossary of terms
- Reference: Registered operation and function codes for plant export registered establishments
- Reference: Table of horticulture protocol markets
- Work Instruction: Inspecting loose hay or straw for export in-line
- Standard for Minimising the Risk of Corynetoxin Contamination of Hay and Straw for Export
- Sulfur dioxide/carbon dioxide fumigation methodology
- Methyl bromide fumigation methodology
- Guide to performing QPS fumigation with methyl bromide
- Australian phytosanitary treatment application standard for cold disinfestation treatment
- Australian phytosanitary treatment application standard for dimethoate dipping treatment
- Australian phytosanitary treatment application standard for irradiation
- Australian phytosanitary treatment application standard for vapour heat treatment.

The following related material is available online:

Management of plant export registered establishments

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- Department of Agriculture, Fisheries and Forestry Charging Guidelines 2023
- Manual of importing country requirements (Micor)
- Australian export laws.

The following related material is available on the department's Instructional Material Library (IML)

- Departmental Policy: Fit and proper person test under the Export Control Act 2020
- Guideline: Administering applications for plant export registered establishments
- Guideline: Registration, variation and revocation of registered establishments and approved arrangements
- Guideline: Regulatory responses to plant export registered establishments

Contact information

- Accounts Receivable and Debt Management: Arhelpdesk@aff.gov.au
- Audit and Assurance Branch: <u>AuditServices@aff.gov.au</u>
- Business Systems Program: RegEstPlant@aff.gov.au
- Certification Management Group: ExportEstablishment@aff.gov.au
- Grain Exports Program: Grain.Export@aff.gov.au
- Horticulture Exports Program: HorticultureExports@aff.gov.au

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The following table contains administrative metadata.

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Version history

The following table details the published date and amendment details for this document.

Version	Date published	Date last approved	Review type	Summary of review
1	01/01/2022	01/01/2022	New document	First publication of this departmental policy.
2	01/10/2022	01/10/2022	Major	Added information about Global Food Safety Initiative (GFSI) scheme and updated department branding.

Version no.: 4

Management of plant export registered establishments

Version	Date published	Date last approved	Review type	Summary of review
3	05/01/2024	05/01/2024	Major	 Removed the section "Industry inspection for fresh fruits and vegetables for New Zealand".
				Updated department branding, email addresses and the references related to registered establishments to ensure clarity of the content and to prevent mis intended interpretation.
4	2/05/2024	2/05/2024	Major	 Updated to include information on the packing of treated or PFA product outside of the PFA. Updated IML template.

Appendix A: Definitions

The following table defines terms used in this document.

Term	Definition	
Associate	Is defined in the <i>Export Control Act 2020</i> to include a broad range of associated people and body corporates.	
Delegate or sub-delegate	A person who has been delegated or sub-delegated a power or function of the Secretary under section 288 of the <i>Export Control Act 2020</i> , (but excluding those powers that may not be sub-delegated under section 9-18 of the Export Control (Plants and Plant Products) Rules 2021). The delegation or sub-delegation must be in writing and be signed by the Secretary (or the Secretary's delegate).	
Export compliant goods storage (ECGS)	A registered function that allows the use of an approved receptacle within a plant export registered establishment where goods that have passed assessment are stored prior to export. These goods remain passed for export for 28 days after the date of inspection.	
Export operations	Operations to prepare goods for export, to export goods, or any other operations in relation to goods before they are exported until the delivery to their final overseas destination.	
	Note: Export operations for registered establishments for plant and plant products are given effect through the concepts of "registered operations" and "registered functions" as set out in Reference: Registered operation and function codes for plant export registered establishments	
Importing country requirement	In relation to goods that are to be imported into a country from Australian territory or from a part of Australian territory, a requirement of that country that must be met before the goods may be imported into that country from Australian territory or from that part of Australian territory.	
	Note: Importing country requirements may be specified in import permits, the websites of importing National Plant Protection Organisations or the department's Manual of importing country requirements (Micor).	
Infestation	Presence of a living pest of the plant or plant product concerned. Infestation includes infection.	
Integrity	Assurance that the identity or composition of the goods, in relation to any condition, restriction or other description that applies that the goods:	
	(a) is ascertainable; and	
	(b) is maintained without loss, addition or substitution; and	
	(c) is not confused with that of any other goods.	
	Note: This includes product status, such as phytosanitary status, and the identity of goods.	

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Term	Definition	
Internal reviewer	The person who holds a delegation to review a reviewable decision under section 383 of the <i>Export Control Act 2020</i> , who was not involved in making the decision, and who occupies a position senior to the person who actually made the decision.	
Manager	See 'Person in management and control'.	
Notice of intention, i.e. 'show cause notice'	A formal notification before a decision will be made by the Secretary or their delegate on a stated date, advising that the department intends to vary, suspend or revoke an approval to undertake certain activities. It provides procedural fairness to the client prior to an adverse decision being made under legislation.	
Performance standards	A set of benchmarks derived from requirements in the legislation against which actual performance of third parties is measured in the course of conducting an assessment or audit under the provisions of the Export Control Act 2020.	
Persons who manage or control export operations	A person who has, or would have, the authority to either direct the export operations, or an important or substantial part of the export operations; or direct another person who has, or would have, authority to direct export operations. See also: 'occupier'. Note: persons who manage or control export operations must be captured in the department's Establishment Register (ER) database and appear on the certificate of registration.	
Phytosanitary certificate	Is defined in the Export Control (Plants and Plant Products) Rules 2021 to mean a government certificate (other than a phytosanitary certificate for re-export) in relation to plants or plant products issued under Division 3 of Part 3 of Chapter 2 of the Export Control Act 2020 in accordance with Article V of the International Plant Protection Convention.	
Phytosanitary security	Maintenance of the integrity of goods in a consignment; that is no loss, addition or substitution, and prevention of its infestation and contamination by regulated pests. See also 'integrity'.	
Preparation	Includes processing, packing, storage, treatment, handling or loading of prescribed goods.	

Term	Definition		
Prescribed goods (goods)	For plant export purposes, plants or plant products that are prescribed goods under Division 1 of Part 1 of Chapter 2 of the Export Control (Plants and Plant Products) Rules 2021, and include the following:		
	prescribed grain;		
	hay and straw;		
	fresh fruit;		
	fresh vegetables.		
	 plants and plant products intended for export to a country that requires a phytosanitary certificate in order for the plants and plant products to meet importing country requirements. Note: This does not include narcotic goods within the meaning of the Customs Act 1901, such as Cannabis spp. plants and plant products. 		
Registered establishment	An establishment that is registered under Chapter 4 of the <i>Export Control Act 2020</i> for a kind of export operations in relation to a kind of prescribed plants or plant products, and if applicable, a place to which the goods are to be exported.		
Shipping container	See 'container'.		
Traceability	The ability to follow the movement of goods through stages of production, processing and distribution.		
	Note: A registered establishment's management system must ensure plants and plant products can be tracked from the premises they were obtained from, to the premises that they are transferred to.		
Treatment	A registered function that is useful or necessary to control or eradicate pests or remove contaminants.		
	The following are examples of treatments:		
	dismantling, repairing, cleaning or deodorising		
	applying a substance		
	fumigating		
	controlling the atmosphere or temperature		
	repacking.		

For all other definitions see the Exports Reference: <u>Plant export operations instructional material glossary of terms.</u>

Appendix B: Legislation and related policy frameworks

Related legislation

The following list outlines the legislation that applies to the registration and management of plant export establishments.

- Export Control Act 2020 (the Act)
 - o Chapter 4 Registered establishments
 - o Part 1, Chapter 9 Audits
 - o Part 4, Chapter 9 Authorised officers
- Export Control (Plants and Plant Products) Rules 2021 (the Plant Rules)
 - o Chapter 4 Registered establishments
 - o Part 1, Chapter 9 Records

Management of plant export registered establishments

- Export Control (Fees and Payments) Rules 2021
- Export Charges (Imposition General) Act 2015
- Export Charges (Imposition General) Regulations 2021

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