



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

Organic goods approved arrangement guidelines

Organic Exports Program

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We acknowledge the continuous connection of First Nations Traditional Owners and Custodians to the lands, seas and waters of Australia. We recognise their care for and cultivation of Country. We pay respect to Elders past and present, and recognise their knowledge and contribution to the productivity, innovation and sustainability of Australia's agriculture, fisheries and forestry industries.

Contents

Introduction.....	1
Purpose.....	1
Scope	1
Background.....	1
Legislation and policy framework.....	2
Legislative requirements under the Export Control Act and the Organic Goods Rules	3
Fit and proper person	3
Commonwealth liabilities	4
Assurance.....	4
Proposed arrangement.....	4
Organic goods certification operations	4
Assessment process.....	6
Glossary.....	7

Introduction

Purpose

These guidelines outline requirements for proposed organic goods approved arrangements, including:

- the legislative and policy requirements that applicants must meet to become an approved certifying body (ACB) for organic and bio-dynamic products for export
- advice on documentation that applicants should include in their application.

The *Export Control Act 2020* and the *Export Control (Organic Goods) Rules 2021* provide the legal framework for these guidelines. The *Administrative Arrangements for Approved Arrangements* and *Requirements to Issue and Manage Organic Goods Certificates* provide the policy framework for these guidelines.

The information provided in this document is intended as guidance only and should not be taken as definitive or exhaustive.

Scope

This document outlines the application process for certifying bodies seeking to become approved by the Department of Agriculture, Fisheries and Forestry to certify Australian organic and bio-dynamic produce for export under the Export Control Act. A proposed arrangement may take any form, provided the arrangement meets the objectives and requirements of Australia's export legislation and policy framework.

This document does not apply to the ongoing audit and verification activities that occur following approval of a proposed arrangement for organic goods certification operations.

Background

We provide approval to certifying bodies through an approved arrangement for organic goods certification operations. Under the Organic Goods Rules, an ACB is the holder of an approved arrangement for organic goods certification operations. This allows ACBs to certify that an organic operator has met both the requirements to produce or prepare organic goods for export and all relevant importing country requirements.

To become an ACB, you must submit an application form and a proposed arrangement that includes a collection of documents outlining your certifying body's (CBs) quality management system and processes.

The proposed arrangement that you provide must outline your procedures in such a way that we are satisfied that organic and bio-dynamic operations will be performed in accordance with the legislative requirements of the Export Control Act and the Organic Goods Rules, the National Standard and relevant policy documents.

To be approved, the Organic Goods Rules requires that a proposed arrangement must document:

- all aspects of the organic goods certification operations that are to be carried out
- the organisational structure
- the system of controls to be implemented to ensure that the conditions will be complied with in relation to organic goods certification operations
- any other system of controls to be implemented to ensure that there will be reasonable grounds for issuing an organic goods certificate (OGC) in relation to the prescribed organic goods covered by the arrangement.

Legislation and policy framework

The legislation and policy framework that applies to organic and bio-dynamic produce for export operations in Australia includes:

- [Export Control Act 2020](#)
- [Export Control \(Organic Goods\) Rules 2021](#)
- [National Standard for Organic and Bio-Dynamic Produce](#)
- [Administrative Arrangements for Approved Arrangements](#)
- [Requirements to Issue and Manage Organic Goods Certificates.](#)

Legislative requirements under the Export Control Act and the Organic Goods Rules

The proposed arrangement that you provide must demonstrate that it meets specific requirements under the Export Control Act and the Organic Goods Rules.

Fit and proper person

Your proposed arrangement must meet the fit and proper person requirements under subsection 151(2)(a), 372 and 373(1) of the Export Control Act and subsection 5-16(2) of the Organic Goods Rules.

The fit and proper person test is where the Secretary of the Department of Agriculture, Fisheries and Forestry (or delegate) decides whether a person, or entity, is of a trustworthy nature and demonstrates the personal integrity to export agricultural goods from Australia.

The fit and proper person test is applied to:

- the applicant (the entity)
- company directors
- key people in management and control
- associates of these people.

Subsection 5-16 of the Organic Goods Rules prescribe certain persons that must be fit and proper persons for the purposes of an approved arrangement for organic goods certification operations. This includes the holder of the approved arrangement, and any person who manages or controls the organic goods certification operations (including a person who signs OGCs in accordance with the approved arrangement). For each body this may be different and may change over time.

The occupants of the following positions would need to apply for a fit and proper person assessment:

- leadership positions
- board members
- directors.

In addition, any personnel who carry out the following duties would need to apply for a fit and proper person assessment:

- signing an original OGC or a replacement OGC
- revoking or cancelling an OGC
- certifying, decertifying or suspending an organic operator

- overturning a certification decision.

Commonwealth liabilities

Your proposed arrangement must meet the requirements under subsection 151(2)(b) of the Export Control Act regarding Commonwealth liabilities.

For the secretary to make a decision on an application for a proposed arrangement, consideration is given to whether all relevant Commonwealth liabilities of the applicant have been paid or are taken to have been paid. That is, whether the applicant has paid all debts, a payment plan is in place, or whether the applicant has an outstanding debt owed to us.

Assurance

Under subparagraph 151(2)(c) of the Export Control Act, your proposed arrangement must provide assurance that, for the organic operators that you will certify, the:

- operations and supply chain to produce, or prepare, organic goods for export will be certified to the National Standard
- operations until the delivery of the goods to their final overseas destination will be certified to the National Standard
- operations and the organic goods produced will meet all importing country requirements.

Proposed arrangement

Under section 3 of the Export Control Act, subsection 151(2)(d) of the Export Control Act and subsection 5-1(2) of the Organic Goods Rules, the proposed arrangement that you provide must demonstrate that, for the organic operators that you will certify, the:

- goods that will be exported will meet the National Standard and importing country requirements
- trade description of the goods will be accurate, and the goods will be traceable through the records held by both the organic operator and you, to allow for recall for human health, plant health and animal health purposes
- integrity of the goods will be maintained.

This will ensure relationships with Australia's overseas trading partners are maintained.

Organic goods certification operations

Your proposed arrangement must meet the requirements for a proposed arrangement under subsection 151(2)(d) of the Export Control Act and subsection 5-1(3-11) of the Organic Goods Rules. This means that the proposed arrangement that you provide must cover all aspects of organic goods certification operations.

Certification assurance

Your proposed arrangement must provide assurance that, of the organic operators that you will certify, the:

- the operations and supply chain to produce or prepare organic goods for export will be certified to the National Standard and meet importing country requirements allowing for certification of organic operators
- the operations until the delivery of the goods to their final overseas destination will be certified to the National Standard and meet importing country requirements allowing for certification of organic operators allowing for export certification to be issued.

Procedures

Your proposed arrangement must demonstrate:

- your procedures and processes to ensure the accurate and well documented issuance of OGCs with the ability to refuse, cancel or revoke certification where non-compliance is identified
- the requirements of the National Standard will be met through the certification of the operations and supply chain to produce, or prepare, organic goods for export
- importing country requirements will be met by both you and organic operators to assist in maintaining overseas market access for goods exported from Australia
- OGCs will be in an approved form and will be managed as accountable forms and are documented in their approved arrangement
- operations undertaken by you will be objective and fair and remain impartial to protect the rights of the organic operators
- your management practices, resources and management of personnel will ensure the effective administration of the approved arrangement under export legislation
- verification of organic operator's compliance with the Export Control Act and other matters occurs which is carried out through annual audits, unannounced audits and witness audits
- internal audit and management reviews will be conducted – we will verify these reviews through a departmental audit.

Organisational structure

The organisational structure must display:

- the responsibility and reporting structure of your CB – in particular, the relationship between testing, inspection and certification functions
- the lines of authority stemming from senior executive positions (or equivalent).

Management practices

Your management practices and certification activities must be objective, fair and accurate by taking into account:

- confidentiality
- impartiality
- actual and perceived conflicts of interest.

Assessment process

The documented policies and procedures of your system and all other required documentation will be assessed against our organic export legislative and policy framework for completeness, adequacy and a demonstrated understanding of the requirements under the Export Control Act and the Organic Goods Rules.

In assessing your application, we look for a demonstrated understanding of the legislation, policies and procedures. If deficiencies are identified, we will work with you to locate documents to address the deficiencies.

In assessing your application, we will take into consideration:

- documentation of how you will meet the certifying body's legislative obligations and demonstrate an understanding of those obligations
- an understanding of the arrangements put in place to assure the secretary that you will act properly and are aware of the certifying body's obligations – these arrangements are referred to as the [Administrative Arrangements for Approved Arrangements](#) and are in addition to the legislative framework from which your CB derives its authority
- an understanding of the [Requirements to Issue and Manage Organic Goods Certificates](#) – this document helps ensure OGCs meet legislative requirements and those of government-held market access agreements (equivalence agreements).

Glossary

Term	Definition
ACB	approved certifying body
approved arrangement	An arrangement approved under export legislation for organic goods certification operations.
approved certifying body	The holder of an approved arrangement for organic goods certification operations (under the Export Control (Organic Goods) Rules 2021), authorised by the competent authority to certify export operations as meeting the requirements under export legislation, the <i>National Standard for Organic and Bio-Dynamic Produce</i> , the <i>Administrative Arrangements for Approved Arrangements</i> and the <i>Requirements to Issue and Manage Organic Goods Certificates</i> .
CB	certifying body
competent authority	An official government agency having legal jurisdiction. In Australia, this is the Department of Agriculture, Fisheries and Forestry.
fit and proper person	A person in management or control of organic goods export certification operations that has been determined to be fit and proper under section 372 of the Export Control Act 2020.
National Standard for Organic and Biodynamic Produce	Australia's technical export standard for organic and bio-dynamic goods.
OGC	organic goods certificate
organic goods certificate	An export certificate and condition of export as prescribed under the Export Control (Organic Goods) Rules 2021 that is issued by an approved certifying body on behalf of the department or by the department.