



Australian Government
Department of Agriculture,
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Organic goods approved arrangement renewal guidelines

Organic Exports Program

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Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

Telephone 1800 900 090

Web agriculture.gov.au

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Acknowledgement of Country

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.

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Introduction

Purpose

This document provides guidance to a holder of an approved arrangement for organic goods certification operations with an expiry date, on submitting an application to renew the approved arrangement with or without variations.

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

These guidelines contain general advice on documentation that may support an application. An approved arrangement for organic goods certification operations can take any form, provided the objectives and requirements of Australia's organic export legislative and policy framework are met.

These guidelines do not apply to:

- any audit and verification activities that occur following the renewal of an approved arrangement for organic goods certification operations
- approved arrangements that were approved without an expiry date
- renewal applications that were submitted outside of the legislated renewal application period.

Background

The Department of Agriculture, Fisheries and Forestry is the Australian government authority responsible for certifying Australian food and agricultural goods for export. We provide export certification and declarations in line with Australia's export legislation and importing country requirements. We regulate to assure our trading partners that Australia's goods are safe to import, including that claims made about certified organic goods are accurate.

Our management of inspection and certification for the export of certified Australian organic and bio-dynamic goods is underpinned by Australia's organic export legislative and policy framework.

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](#).

Under export legislation, an approved certifying body approved by the Department of Agriculture, Fisheries and Forestry is a holder of an approved arrangement for organic goods certification operations.

An approved arrangement allows an approved certifying body to certify that an organic operator has met relevant legislative requirements for the export of prescribed organic goods and to issue organic goods certificates for those exports.

Approved arrangements for organic goods certification operations may be approved with an expiry date.

General application information

Under the Export Control Act, we may set an expiry date for an approved arrangement. If an expiry date has been set, an approved certifying body (as the holder of an approved arrangement) may apply to renew the approved arrangement.

An application to renew may be submitted:

- for an approved arrangement with an expiry date
- within the period prescribed by the export legislation
- with or without variations to an approved arrangement.

An application to renew must be made within:

- 60 days starting on the day that is 180 days before the expiry date for the approved arrangement, or
- a longer period approved by the Secretary of the Department of Agriculture, Fisheries and Forestry.

To renew an approved arrangement, Australia's export legislation requires that an application is:

- submitted on the correct application form
- accompanied by the approved arrangement – or the approved arrangement is otherwise provided to us for evaluation (you may refer to documents previously provided to us)
- accompanied by the proposed variations to the approved arrangement (including supporting documentation) – or the proposed variations are otherwise provided to us for evaluation (if applicable).

A proposed variation must outline an approved certifying body's procedures in such a way that we can be satisfied that the varied approved arrangement for organic goods certification will be performed in accordance with the requirements of Australia's organic export legislative and policy framework.

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We may accept any information or documents previously given to the department in connection with an application made under the Export Control Act.

Legislative requirements for applications

An application to renew an approved arrangement for organic goods certification operations must demonstrate that the approved arrangement meets relevant requirements under the Export Control Act and the Organic Goods Rules.

Fit and proper person

An application to renew must demonstrate that relevant personnel of an approved certifying body meet the requirements to be a fit and proper person under subsections 156(2)(a), 372 and 373(1) of the Export Control Act and subsection 5-16(3) of the Organic Goods Rules.

The fit and proper person test is where the secretary (or delegate) decides whether a person, or company, is of a trustworthy nature and demonstrates the personal integrity to export agricultural goods from Australia.

The test is applied to:

- the applicant (that is, the entity and holder of the approved arrangement)
- company directors
- key people in management and control
- associates of these people.

Subsection 5-16 of the Organic Goods Rules prescribes 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 an approved arrangement, and any person who manages or controls the organic goods certification operations (including any person who signs organic goods certificates in accordance with the approved arrangement). For each approved certifying body, this may be different and may change over time.

The occupants of the following positions must undergo a fit and proper person assessment as part of an application to renew an approved arrangement:

- leadership positions
- board members
- directors.

Any personnel who carry out the following duties must undergo a fit and proper person test as part of an application to renew an approved arrangement:

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

- overturning a certification decision.

Commonwealth liabilities

An application to renew an approved arrangement must demonstrate that relevant personnel of an approved certifying body meet the requirements of subsection 156(2)(b) of the Export Control Act regarding Commonwealth liabilities.

For the secretary to make a decision on an application to renew, 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 all debts have been paid, a payment plan is in place, or whether the applicant has an outstanding debt owed to the department.

Approved arrangement holder

An application to renew an approved arrangement must demonstrate that the holder of the approved arrangement has complied with the requirements of the Act in relation to the export operations and goods covered by the approved arrangement, as required under subsection 156(2)(c) of the Export Control Act.

Approved arrangement conditions

An application to renew an approved arrangement must demonstrate that the conditions of the approved arrangement (section 157 of the Export Control Act) have been, and are being, complied with, as required under subsection 156(2)(d) of the Export Control Act.

Exports of organic goods in accordance with approved arrangement

Under subsection 156(2)(e) of the Export Control Act, an application to renew an approved arrangement must demonstrate that for those organic operators that are, or will be, certified by the approved certifying body, the approved arrangement has, or will, ensure, the:

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

Variations

Under subsection 161(3)(b) of the Export Control Act, an application to renew an approved arrangement with variations must demonstrate that, for those organic operators certified by the approved certifying body, the varied approved arrangement will ensure:

- operations and supply chain to produce, or prepare, organic goods for export will be certified to the National Standard

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- 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
- the integrity of the goods.

Assessment process

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

In assessing an application to renew an approved arrangement for organic goods certification operations with or without variations, we primarily look for past compliance with the approved arrangement and legislative requirements under the Export Control Act and the Organic Goods Rules. We also look for demonstrated understanding of the legislation, policies and procedures.

If deficiencies are identified in your application, your approved arrangement or your proposed variations to the approved arrangement, we will work with you to address those deficiencies where possible.

In assessing your application, we will take into consideration:

- documentation, and demonstrated understanding, of how your approved arrangement, and any additional conditions to your approved arrangement, have met and will continue to meet legislative obligations
- demonstrated understanding and awareness of the [Administrative Arrangements for Approved Arrangements](#) put in place to assure the secretary that you have been and will continue to act properly – these arrangements are in addition to the legislative framework from which a holder of an approved arrangement derives its authority
- demonstrated understanding of the [Requirements to Issue and Manage Organic Goods Certificates](#) – these requirements form part of the organic export legislative and policy framework.