



December 2021

Plant export legislation changes

Plant rules: Changes affecting accredited properties and registered establishments

On 1 January 2022, the Export Control (Plants and Plant Products) Rules 2021 (Plant Rules) will change to align with current business and regulatory practices. This is the first round of amendments since the new plant export legislation commenced in March 2021. The amendments aim to address some areas of inconsistency between the new legislation, and regulatory expectations or business practice.

Simplification of management system provisions for accredited properties and registered establishments

The regulatory outcomes accredited properties (AP) and registered establishments (RE) must meet is not intended to change. The way they are reflected in the legislation is changing. The change removes unintended regulatory and administrative burden for us and industry created by the existing legislative approach.

Regulatory outcomes include ensuring:

- importing country requirements relevant to the facility and its operations are met
- premises are kept in a condition that ensures goods will not be infested by pests or contaminated (through effective hygiene and waste, pest and contaminant control)
- goods can be traced from receipt, while at the premises, and on dispatch to the next premises (one step forward and one step back traceability).

Accredited packhouses and REs will still need to have documented systems to assure us that they can meet the regulatory outcomes on an ongoing basis.

Treatment of fresh fruit and vegetables to protocol markets at registered establishments

Phytosanitary treatments of fresh fruit and vegetables to protocol markets must occur at REs and not APs. The legislation is being adjusted to clarify current regulatory expectations and remove possible ambiguity.

Adjustments to Registered Establishment instructional material

We have made changes to the instructional material for REs to improve readability and reflect changes to the legislation.

From 1 January, the Guideline: Management of plant export registered establishments will be repealed. It will be replaced with:

- Policy: Management of plant export registered establishments (PEOM)
- Guideline: Administering applications for plant export registered establishments (departmental only)
- Guideline: Regulatory responses to plant export registered establishments (departmental only).

The content of the RE instructional material is largely unchanged, except:

- Process information for the department has been removed and incorporated into departmental instructional material.
- The new policy document clarifies that REs do not have to apply to us to vary documented systems. Variations to any documented systems may be communicated to us at audit.
- Other minor adjustments for accuracy and clarity, such as updates to legislative references.

Background

The Plant Rules commenced 28 March 2021 and, along with the *Export Control Act 2020*, specify the requirements for the export of plants and plant products. We have been tracking areas of improvement where the new legislation may not align with current business practice and regulatory expectations. We will continue to review the Plant Rules annually and amend them as needed.

Further information

See our website for information about:

- [Plant export legislation changes](#)
- [Improved agricultural export legislation](#)
- [Plant export operations manual](#)

Or email plantexportreform@awe.gov.au

Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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