



Australian Government
Department of Agriculture,
Fisheries and Forestry

Administrative Arrangements for Approved Arrangements

Managing inspection and certification operations for the
export of certified Australian organic and bio-dynamic goods



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1 Introduction

- 1.1 The Department of Agriculture, Fisheries and Forestry is the Australian government authority (competent authority) responsible for certifying Australian food and agricultural goods for export. The department provides export certification and declarations in line with Australia's export legislation and importing country requirements. The department regulates to assure our trading partners that our goods are safe to import, including that claims made about certified organic goods are accurate.
- 1.2 The department's management of inspection and certification for the export of certified Australian organic and bio-dynamic goods is underpinned by the *Export Control Act 2020 (the Act)*, the *Export Control (Organic Goods) Rules 2021 (the Rules)*, the National Standard for Organic and Bio-dynamic Produce (**the National Standard**) and these administrative arrangements for approved certifying bodies. These arrangements outline the department's requirements for approved certifying bodies inspection and certification operations for the export of certified organic and bio-dynamic goods.
- 1.3 Under the Rules, organic goods are prescribed for the purposes of the Act. The export of prescribed organic goods from Australian territory is prohibited unless the exporter of the organic goods holds an organic goods certificate (OGC), and the organic goods certificate is in force at the time the organic goods are exported (section 2-4 refers).
- 1.4 Before an OGC may be issued, the export operations must be carried out in accordance with the National Standard, applicable requirements of the Act, the Rules, and all importing country requirements relating to the export operations of the organic goods.
- 1.5 Under the Rules, an approved certifying body is the holder of an approved arrangement for organic goods certification operations. This allows approved certifying bodies 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.
- 1.6 A condition of an approved arrangement is that the approved certifying body is subject to departmental audits. These audits will assess compliance with legislation, these administrative arrangements, other requirements relevant to the issue and management of OGCs, the National Standard and importing country requirements.
- 1.7 An approved certifying body which satisfies these requirements is considered an authorised issuing body for OGCs. The OGCs are issued by the approved certifying body on the department's behalf.

2 Purpose

- 2.1 Approved certifying bodies must establish and maintain a documented system, known as an Approved Arrangement, in accordance with these administrative arrangements and other legal and policy requirements.
- 2.2 This document has been developed to enable approved certifying bodies to:
 - a) harmonise the interpretation and application of the National Standard requirements,
 - b) form the basis for mutual recognition between approved certifying bodies; and
 - c) consistently apply the requirements of *ISO/IEC 17065:2012 Conformity assessment—Requirements for bodies certifying products, processes and services*, or equivalent system.

3 Definitions

In this document, unless otherwise stated

- 3.1 **the Act** means the *Export Control Act 2020*.
- 3.2 **Approved arrangement** means an arrangement and documented system for a kind of export operations in relation to a kind of prescribed organic goods, approved by the secretary.
- 3.3 **approved certifying body** means 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 regulations, the National Standard, these administrative arrangements and other policy documents.
- 3.4 **audit** means a systematic and functionally independent examination to determine whether activities and related results comply with legislative and policy requirements.
- 3.5 **authorised officer** means an authorised officer under the *Export Control Act 2020*.
- 3.6 **certification/certified** means procedures by which an approved certifying body provides written assurance that an organic operator (export operations) has been determined to comply with the National Standard. Certification is based on various matters, including but not limited to, the inspection of practices used, verification against records maintained and the sampling of goods.
- 3.7 **competent authority** means an official government agency having legal jurisdiction. In relation to this document, this means the department.
- 3.8 **conflict of interest** means a situation in which a person has a private or personal interest sufficient to appear to influence and effect the objective exercise of their official duties.
- 3.9 **consultancy** means advice or information provided by a person on a commercial basis (for example, exchanged for money, or goods, or services).
- 3.10 **control authority** refers to an official government agency having legal jurisdiction - From non-Australian countries.
- 3.11 **control body (third country)** refers to organisations that assess and inspect organic producers or distributors from non-Australian countries.
- 3.12 **critical non-conformity** means a non-conformity that has the potential to seriously compromise the accreditation of an approved certifying body, or the certification of an operator/exporter; and which warrants immediate remedial action.
- 3.13 **the department** means the Australian Government Department of Agriculture, Fisheries and Forestry.
- 3.14 **expert** means a person who has expertise in the production and/or preparation of organic goods.
- 3.15 **goods transfer certificate** means a document issued by a certified operator for the transfer of certified organic goods.

- 3.16 **inspection** means the process of verifying (usually by way of physical attendance and examination) a certified or non-certified operation against the National Standard and/or importing country requirements.
- 3.17 **inspector** (or auditor) means a person deemed by an approved certifying body or other recognised authority to have the expertise and knowledge to competently evaluate systems for organic certification.
- 3.18 **the National Standard** means the National Standard for Organic and Bio-dynamic Produce, the technical organic export standard for Australia (as amended).
- 3.19 **non-conformity** means the absence of, or the failure to implement and maintain one or more requirements or a situation, which would, based on objective evidence, raise significant doubt as to the capability of a system to achieve the objectives of legislation and/or the National Standard.
- 3.20 **operator** means a person who carries out export operations to produce or prepare prescribed organic goods for export.
- 3.21 **organic goods** means goods that are described as, or described as including ingredients that are organic, bio-dynamic, biological, ecological, or any other similar description and includes goods that are described as in-conversion to organic or bio-dynamic.
- 3.22 **organic goods certificate** is an export certificate and condition of export as prescribed under the Rules that is issued by an approved certifying body on behalf of the department or by the department.
- 3.23 **organic goods certification operations** means operations to certify that relevant importing country requirements relating to prescribed organic goods and the operations to produce or prepare them for export are met for the purpose of issuing an organic goods certificate in relation to the organic goods.
- 3.24 **personnel** means any person undertaking administrative or operational duties on behalf of an approved certifying body who is employed on a full-time, part-time, casual or contract/service provider basis.
- 3.25 **sanction** means a penalty, either financial or administrative in scope, issued by an approved certifying body, to an organic operator. A sanction is issued as a result of a non-conformity identified in relation to the National Standard or importing country requirements.
- 3.26 **substantially transformed** is defined as a fundamental change in form or nature such that the goods existing after the change are new and different goods from those existing before the change.
- 3.27 **the Rules** means the *Export Control (Organic Goods) Rules 2021*.
- 3.28 **the Secretary** refers to the Secretary of the Australian Government Department of Agriculture, Fisheries and Forestry or a delegate appointed by the Secretary.
- 3.29 **third country** refers to any country outside of Australia

4 Requirements of an approved certifying body

- 4.1 An approved certifying body will ensure that inspection and certification activities are carried out effectively and uniformly.
- 4.2 The policies and procedures of an approved certifying body shall be non-discriminatory and shall be administered in a non-discriminatory manner.
- 4.3 An approved certifying body's procedures shall not be used to impede or inhibit operator or exporter access to its services.
- 4.4 An approved certifying body shall make its services accessible to all applicants whose activities fall within its declared field of operation.
- 4.5 An approved certifying body shall not impose undue financial or other conditions on any operator or exporter.
- 4.6 Access by operators or exporters to an approved certifying body shall not be conditional upon the size of the supplier or membership of any association or group, nor shall certification be conditional upon the number of certificates already issued to the operator or exporter by other approved certifying bodies.
- 4.7 An approved certifying body shall confine its requirements, inspection and decisions on certification to those matters specifically related to the scope of the certification being considered.
- 4.8 All operations from production through to exportation must be verified to the point of final packaging.
- 4.9 Where a certified organic good is not in its final packaging (i.e., bulk goods) and enters an operation that is not certified, the goods will automatically be deemed as "non-compliant" with the National Standard.

5 Structure of an approved certifying body

- 5.1 The approved certifying body shall have:
 - a) an organisation chart clearly showing the responsibility and reporting structure of the organisation, in particular, the relationship between testing, inspection and certification functions; and
 - b) a description of the means by which the approved certifying body obtains financial support; and
 - c) documentation of its certification systems, including its rules and procedures for granting, maintaining, withdrawing and suspending certification.
- 5.2 For the purposes of Australian business law, the approved certifying body must be a legal entity.
- 5.3 The approved certifying body may have a governing board, but these people must not be directly or indirectly involved in the process of inspection and certification.

- 5.4 The approved certifying body shall identify management positions which have responsibility for the following:
- a) performance of testing, inspection and certification
 - b) decisions on certification
 - c) technical basis for granting certification
 - d) formulation of policy matters relating to the operation of the approved certifying body
 - e) supervision of the implementation of its policies
 - f) supervision of the finances of the body, and
 - g) delegation of authority to committees or individuals as required to undertake defined activities on its behalf.
- 5.5 The approved certifying body shall ensure that certification decisions are taken by person(s) who are different from those who carried out the operator inspection.
- 5.6 If certification activities are carried out by a legal entity, which is part of a larger organisation, the links with other parts of the larger organisation shall be clearly defined and identified in the approved certifying body's approved arrangement.
- 5.7 The approved certifying body shall ensure that the activities of related bodies do not affect the confidentiality, objectivity and impartiality of its certification and inspection systems.
- 5.8 The approved certifying body shall have the financial stability and resources necessary for undertaking certification and inspection activities.

6 Approved Arrangement

- 6.1 Consistent with the purpose of these administrative arrangements, each approved certifying body must establish and maintain a documented system known as an approved arrangement, for conducting certification activities.
- 6.2 Each approved certifying body will ensure, through inspection and certification, that their operators:
- a) comply with the relevant sections of the certification system; and
 - b) make the essential arrangements for an inspection, including an examination of all documentation and all areas of the certified operation, and resolution of complaints; and
 - c) only make claims regarding certification with respect to the scope for which certification has been granted; and
 - d) do not use product certification in such a manner as to bring any approved certification body into disrepute; and
 - e) do not make any statement regarding product certification which the approved certification body may consider misleading or unauthorised; and

- f) upon suspension or cancellation of certification, discontinue use of all advertising matter that contains any reference thereto and returns any certification documents as required by the certification body; and
 - g) use certification to indicate that their goods are certified as compliant with the National Standard; and
 - h) use no certificate or report nor any part thereof in a misleading manner; and
 - i) can only reference product certification in communication media such as documents, brochures or advertising, which complies with the requirements of the approved certification body.
- 6.3 When the desired scope of certification is related to a specific system or type of system operated by the approved certifying body, any explanation needed shall be provided to the applicant.
- 6.4 The approved arrangement shall include all procedural steps in processing an initial application, until final certification.
- 6.5 The approved certifying body shall conduct its activities in accordance with the scope of its approval by the department.
- 6.6 An approved certifying body must immediately notify the department when it ceases to meet the requirements of the National Standard and/or export legislation and/or importing country requirements and/or these administrative arrangements.
- 6.7 The approved arrangement of an approved certifying body shall include, at least the following;
- a) quality policy statement signed by a management representative
 - b) an organisational chart displaying the lines of authority stemming from senior executive positions (or equivalent)
 - c) a brief description of the legal status of the certification body
 - d) the details of any governing board, constitution, terms of reference and operating procedure
 - e) the names, qualifications, experience of all personnel, both internal and external, who are involved in day-to-day operational, administrative, managerial and executive duties
 - f) the details of initial and on-going training for all personnel
 - g) the details for assessing initial and on-going inspections
 - h) the details of a product/soil sampling program and laboratory testing facilities
 - i) the details for the surveillance of certified operators including a provision for unannounced inspections
 - j) a list of all subcontractors and their details; and
 - k) the details for assessing subcontractor competence and compliance against the approved arrangement
 - l) the details for appeal and sanctions

- m) the procedures for the administrative control and operational procedures in ensuring organic goods certificates are used in accordance with the legislation; and
- n) the procedures for the regular distribution of information to all other approved certifying bodies pertaining to operators who are currently under sanction.

7 Internal audits/reviews

- 7.1 The approved certifying body shall conduct internal audits covering all documented procedures, to verify that the approved arrangement is effective.
- 7.2 The approved certifying body shall ensure that all elements of its approved arrangement are audited (internally) at least once in a twelve-month period; and that
 - a) personnel in the area audited are informed of the audit findings.
 - b) corrective action is taken in a timely and appropriate manner.
 - c) the records of internal audits be retained.
- 7.3 The approved certifying body shall review the approved arrangement at sufficiently defined intervals to ensure continuing suitability and effectiveness in satisfying the quality policy and objectives of the organisation.

8 Records

- 8.1 The approved certifying body shall maintain records which satisfy its approved arrangement and complies with the legislation.
- 8.2 Records must be retained for at least five years.
- 8.3 Records of the approved certifying body shall give a clear indication that administrative and operational procedures have been effectively fulfilled, particularly with respect to:
 - a) completion of application forms
 - b) completion of inspection and audit reports
 - c) any surveillance activities
 - d) approving, maintaining or extending certification status of the certified operator, and
 - e) suspending or revoking the certification of a certified operator.
- 8.4 The approved certifying body shall identify, manage and dispose of all records in such a way as to ensure integrity and confidentiality of the information.
- 8.5 The approved certifying body shall maintain records pertaining to the qualifications, training and experience of personnel, either full or part time, casual or contracted/service provider, involved in administrative or operational procedures of the organisation. These records shall include:
 - a) name(s) and addresses
 - b) the person's affiliation with all certifying bodies

- c) current and previous employment positions held
- d) educational qualification(s)
- e) the details of membership of any professional body
- f) the experience and training undertaken by each individual whilst in the employment of the approved certifying body, and
- g) a performance appraisal assessing the competencies of each personnel against the objectives and policies of the approved certifying body.

9 Mutual recognition

- 9.1 Where requirements are based only on the National Standard, an approved certifying body shall recognise the approved arrangement of another approved certifying body and the operators certified to this standard.
- 9.2 In instances where operators are not certified to the National Standard or importing country requirements, an approved certifying body does not have to recognise operators of these alternative programs (e.g., private organic standard).
- 9.3 In instances where operators have 'change of statuses' of organic certification, approved certifying bodies shall provide notification of this to the department and all other certifying bodies within 30 calendar days.
- a) Change of status includes suspension of certification, and involuntary withdrawal of certification.
- 9.4 In instances where an operator transfers their certification from one approved certifying body to another, all relevant elements of the control file, including; written records, instances of non-compliance, outstanding corrective action requests, etc. must be communicated to the new approved certifying body within a maximum of 10 business days after having received the information request from the operator or the new approved certifying body.

10 Documentation

- 10.1 The approved certifying body's approved arrangement must manage the control of all documentation and records to ensure that:
- a) appropriate documentation is available at relevant locations; and
 - b) all changes to the approved arrangement are covered by the correct authorisation by a management representative; and
 - c) all changes are processed in a manner that ensures direct and timely action; and
 - d) superseded documents are removed from use throughout the approved certifying body, its agencies and all certified operators; and
 - e) there is a register of all appropriate documents with the respective issue identified; and

- f) documentation clearly indicates its date of implementation; and
- g) there is a determination of which documents are available to the public and which are not.

11 Publications

11.1 The approved certifying body shall make the following information publicly available:

- a) the authority under which the approved certifying body operates; and
- b) a statement about its product certification system, including its rules and procedures for granting, maintaining, extending, suspending and withdrawing certification; and
- c) information about the inspection procedures and certification process related to each product certification system; and
- d) a description of how the certifying body obtains financial support; and
- e) general information on the fees charged to operators; and
- f) a description on the rights and duties of operators, and
- g) a description of the requirements, restrictions or limitations on the use of the approved certifying bodies logo and the ways of referring to the certification granted; and
- h) procedures for handling complaints, appeals and disputes; and
- i) a directory of Australian certified organic goods and their operators; and
- j) a directory of approved third country organic certification operations, goods or operators (where applicable).

12 Personnel

12.1 All personnel of an approved certifying body shall be competent at the functions they perform.

12.2 Clearly documented instructions describing their duties and responsibilities shall be available for each person involved in certification and inspection.

12.3 Minimum competence criteria for personnel shall be defined and documented in the approved certifying body's approved arrangement.

12.4 The approved certifying body shall require all people involved in the inspection and certification process to sign a Conflict-of-Interest document by which they legally commit themselves to:

- a) comply with the rules defined by the approved certifying body, including those relating to confidentiality and independence from commercial and other interests; and

- b) declare any prior and/or present association on their part, or on the part of their employer, with a supplier or designer of goods to the inspection or certification to which they are to be assigned (See also 22.4).
- 12.5 Conflict-of-Interest forms shall be completed by personnel and scrutinised by the approved certifying body each time there is a change to any of the details.
- 12.6 Conflict-of-Interest details shall include both direct and indirect interests of each person.

13 Approved certifying body conduct - Confidentiality

- 13.1 The approved certifying body shall ensure confidentiality of all information obtained in the course of inspection and certification activities at all levels of the organisation, including any committees, external bodies or subcontractors acting on its behalf.
- 13.2 Information acquired during the course of inspection or certification activities will not be disclosed to a third-party without the written consent of the operator in question. Where legislation or government accreditation requires information to be disclosed to a third party such as a foreign government agency, the operator shall be informed by the approved certification body.

14 Approved certifying body conduct - Impartiality

- 14.1 The approved certifying body's approved arrangement shall include measures which safeguards impartiality including provisions to ensure the impartiality of the operations of the approved certifying body.
- 14.2 Inspection and certification shall be based on an objective assessment of relevant factors, following documented procedures.
- 14.3 The approved certifying body shall not:
- a) supply or design goods to the type that it certifies; or
 - b) provide any other service which could compromise confidentiality, objectivity or impartiality of its certification process and decisions; or
 - c) provide consultancy services to an operator as to the methods of dealing with matters which are barriers to the certification requested; or
 - d) receive any remuneration for any advice.
- 14.4 The approved certifying body shall be free from any commercial and financial involvement or any other pressures that might influence its decisions with respect to inspection and certification activities.
- 14.5 Payment of fees and expenses shall be made through the approved certifying body and not directly to an inspector.
- 14.6 The approved certifying body shall decide on what constitutes a conflict-of-interest and shall take into consideration perceived conflicts-of-interest.

- 14.7 All persons who have a conflict-of-interest shall be excluded from all stages of the inspection and certification process, for at least two-years.
- 14.8 The exclusion of any person(s) with conflict(s)-of-interest must be recorded and those records retained.

15 Approved certifying body conduct - Consultancy

- 15.1 Consultancy services that may be provided by an approved certifying body are limited to entities that do not, and will not, require organic certification.
- 15.2 The approved certifying body shall not provide consultancy services to potential or existing organic operators.
- 15.3 The approved certifying body will ensure that its certified operators are not given any impression that the use of both services, certification and consultancy, would bring any business advantages to the client.
- 15.4 Nothing will be said or indicated by an approved certifying body that would suggest certification would be simpler, easier, or less expensive if any specified consultancy services were used.
- 15.5 An inspector will not provide consultancy as part of the inspection or audit program. Advice is limited to an explanation of the National Standard or certification requirements.
- 15.6 Consultancy and certification shall never be marketed together.
- 15.7 Marketing material, written or oral information pertaining to inspection or certification activities must not give the impression that consultancy services are linked.

16 Approved certifying body conduct - Subcontracting

- 16.1 Any decision concerning certification shall not be subcontracted to an external business or third party.
- 16.2 When duties relating to inspection or certification (or any other duties) are subcontracted to an external body or person, a properly documented agreement covering the arrangements including confidentiality and conflict-of-interest shall be drawn up by the approved certifying bodies and signed by both parties.
- 16.3 When work is subcontracted to an external business, the approved certifying body shall ensure through documented instructions and review that the personnel of the external business satisfy the approved arrangement.
- 16.4 Competence, integrity and transparency of any subcontracted components of the inspection and certification system shall remain the responsibility of the approved certifying body.

17 Variations to approved arrangement

- 17.1 The approved certification body must apply to the competent authority to approve any significant variations it intends to make to its approved arrangement which has the potential to alter its core business activities, for example, but not limited to:
- a) Changes to, the name and/or business address of the organisation; and/or
 - b) Changes to, person(s) who manage or control the organic goods certification operations, including a person who may sign organic goods certificates in accordance with the approved arrangement; and/or
 - c) Any changes that may adversely affect the accuracy and completeness of any organic goods certificates issued in accordance with the approved arrangement; and/or
 - d) Any changes that may adversely affect the Secretary's ability to accurately assess whether organic goods certificates issued in accordance with the approved arrangement are accurate and complete; and/or
 - e) Changes to, the inspection or certification procedures.
- 17.2 The approved certifying body must provide notification to the competent authority following the undertaking of any prescribed events in relation to its approved arrangement. The following events are prescribed in relation to an approved arrangement for organic goods certification operations:
- a) A person who was permitted to sign organic goods certificates in accordance with the approved arrangement ceases to do so;
 - b) If the holder of the approved arrangement is a partnership – the partnership has been or is to be, dissolved;
 - c) If the holder of the approved arrangement is an unincorporated association – the association has been or is to be, dissolved;
 - d) If the holder of the approved arrangement is a trust – the trust has been or is to be terminated;
 - e) There is any other change in the persons who manage or control the organic goods certification operations.
- 17.3 Any significant variation to an approved arrangement requiring application to the competent authority must not be implemented unless:
- a) The variation has been approved under paragraph 161(2)(a) of the Act; and
 - b) The secretary (or delegate) has provided written notice of the approval to the holder of the approved arrangement under section 162 of the Act.
- 17.4 Following a decision on, and publication of any significant amendments to the approved arrangement which have an impact on certified operators, the approved certification body shall verify that each operator has made the necessary adjustments within the specified time period of 12 months, unless otherwise stated.

18 Appeals, Complaints, Sanctions and Disputes

18.1 Approved certifying bodies shall:

- a) record all appeals, complaints, sanctions and disputes; and
- b) document all follow-up actions relating to the issue(s) in question; and
- c) document the effectiveness of the follow-up action.

18.2 The approved certifying body shall establish an appeals, complaints, dispute review procedure which enables all matters to be considered by an independent person or persons, who are not directly involved in the decision being appealed.

19 Application for certification

19.1 Following a request for information from a new or potential applicant, the approved certifying body shall provide a current description of the inspection and certification procedures of the organisation, as well as:

- a) the documents detailing the requirements for certification, and
- b) the applicant's rights and responsibilities; and
- c) a list of all fees and charges.

19.2 Each applicant shall provide the following information to an approved certifying body on official form, which includes:

- a) the business entity name, contact details and address, including postal details; and
- b) the legal status of the business entity; and
- c) a list of goods including the area or process to be certified; and
- d) a statement identifying any previous certification; and
- e) a signed declaration confirming that the application and supporting documentation is true and correct.

19.3 Where requested, additional information shall be provided to the applicant.

19.4 The approved certifying body will not retrospectively grant certification to any applicant prior to the inspection date

20 Audit and Inspection Scheduling

20.1 The approved certifying body's approved arrangement must manage the scheduling of inspections, including:

- a) Frequency; this requires that inspections of all operators occur at least annually; and
- b) Risk based; have provision for additional inspections both under normal and emergency situations; and

- c) Predictability: shall be at irregular intervals; and
- d) Verification: unannounced inspections should be based on five percent (5%) of the total number of certified operators under the administrative control of the organisation.

21 Audit and Inspection process - new applicants

- 21.1 The approved certifying body shall first conduct an initial audit of the operator's records to ensure that:
- a) the requirements for certification are clearly defined, documented and understood; and
 - b) if appropriate, that any differences between the approved certifying body and the operator are resolved; and
 - c) the approved certifying body has the capability to perform the service with respect to the scope of the certification sought and, if applicable, the location of the operations; and
 - d) if the operator has previously been certified by an alternate approved certifying body, appropriate measures are taken to ensure all previous history of certification including non-compliance or outstanding corrective actions have been provided for scrutiny.
- 21.2 The approved certifying body shall schedule inspection activities to allow for the necessary arrangements to be effectively managed.
- 21.3 The approved certifying body shall assign personnel appropriately qualified and experienced to perform the inspection.
- 21.4 All persons that have been involved in the design, or supply, or installation or maintenance of systems or goods, shall not be appointed by the approved certifying body to inspect the same system/product within a three-year time period.
- 21.5 Approved certifying bodies will inform their certified operators that they have neither the right to choose nor to recommend inspectors.
- 21.6 To ensure that a comprehensive inspection is carried out, all persons involved shall be provided with the appropriate working documents prior to the inspection. These can include:
- a) application form; and
 - b) previous inspection reports; and
 - c) a comprehensive description of the certified activities/processes; and
 - d) plans/maps of the certified operation; and
 - e) product specifications; and
 - f) a list of all inputs used; and
 - g) any previous conditions, non-conformities; and

- h) a list of any previous sanctions (if appropriate).
- 21.7 Prior to an inspection, the approved certifying body shall contact the operator and:
- a) advise of the inspector's details, and
 - b) scope of the inspection; and
 - c) make the operator aware that they can raise objections relating to any potential conflict-of-interest; and
 - d) confirm any outstanding issues.

22 Audit and Inspection process

- 22.1 Audits and inspections shall facilitate non-discriminatory and objective procedures.
- 22.2 The approved certification body shall ensure that all systems of an operator are audited at least once every 12-months.
- a) The approved certifying body must also ensure that randomly selected organic goods are inspected at the time of audit.
- 22.3 As a minimum, the approved certifying body shall inspect organic goods and audit the systems of the operator against the relevant sections of the National Standard.
- 22.4 The approved certifying body shall ensure the majority of questions are documented prior to commencing the inspection and that they address the relevant sections of the National Standard.
- 22.5 The approved certification body will inform the operators under its administrative control that unless there is "conflict-of-interest" matter are under consideration, the operator will allow the inspector access to all:
- a) production and storage areas; and/or
 - b) preparation and packaging areas; and/or
 - c) records pertaining to either of the above; and
 - d) equipment associated with product certification.
- 22.6 During an audit or inspection, the inspector may request additional information from the operator or any related person or business entity, to support the audit/inspection objectives.
- 22.7 Where appropriate and as a minimum, the inspector will undertake the following activities in relation to a primary production operation:
- a) review all of the operator's details prior to the inspection; and
 - b) physically examine the soil condition relative to the size of the production areas to determine the biological soil condition improvement; and
 - c) closely examine livestock and plants for the presence of pests and/or disease; and
 - d) closely examine all buildings for the presence of pests; and

- e) appraise all production or preparation procedures; and
- f) review other aspects of the operation such as identifying/investigating areas of risk from neighbouring properties; and
- g) review operator records and supporting documentation that enables the inspector to trace:
 - i. the origin, nature and quantities of input materials and the use of such materials; and
 - ii. the origin, nature and quantities of agricultural goods as specified in the National Standard which have been delivered to the premises; and
 - iii. the nature and quantity of both certified and non-certified goods which have left the operators system; and
 - iv. the details of all declarations and/or invoices; and
- h) if required, take samples of soil and/or tissue for laboratory analysis; and
- i) inspect any storage and handling facility which is separate from buildings; and
- j) review the effectiveness of the documented organic management plan; and
- k) prepare a detailed objective report noting any discrepancies or departures from the relevant sections of the National Standard.

22.8 As a minimum, the inspector will undertake the following activities in relation to a preparation operation:

- a) review all of the operator's details prior to the inspection; and
- b) closely examine all buildings for the presence of pests; and
- c) appraise all preparation procedures; and
- d) review other aspects of the operation such as identifying/investigating areas of risk from neighbouring activities; and
- e) review all records and supporting documentation that enables the inspector to trace:
 - i. the origin, nature and quantities of input materials and the use of such materials; and
 - ii. the origin, nature and quantities of agricultural goods as specified in the National Standard which have been delivered to the premises; and
 - iii. the nature and quantity of both certified and non-certified goods which have left the operators system; and
 - iv. the details of all declarations and/or invoices; and
- f) if required, take samples of product for laboratory analysis; and
- g) inspect any storage and handling facility which is separate from buildings; and
- h) review the effectiveness of the documented organic management plan; and

- i) prepare a detailed objective report noting any discrepancies or departures from the relevant sections of the National Standard.
- 22.9 An inspection may include non-certified operations, where there is reason and acceptance for doing so. Where this activity is undertaken, an inspection report must be completed.
- 22.10 Where the presence of substances not compatible with the National Standard is likely to contaminate a product, the inspector must take samples for laboratory analyses.
- 22.11 Approved certifying bodies will ensure that only a National Association of Testing Authorities (NATA) accredited laboratory performs the analyses on any samples taken for testing.
- 22.12 For an operator who imports organic goods into Australia or sources and uses imported goods, the inspector will verify records to determine whether the goods have been subject to any treatment under the *Biosecurity Act 2015* not in compliance with the National Standard.

23 Audit and Inspection report

- 23.1 Inspection reports shall be non-discriminatory, objective in format and should not include comments that have not been fully verified during the course of the audit/inspection.
- 23.2 Inspection reports shall be clearly written (preferable using a computer/printer) and professionally presented to the approved certifying body for consideration.
- 23.3 The operator shall be entitled to a copy of the Inspection report.
- 23.4 Where an inspection includes more than one operator, the report will include all details.
- 23.5 The approved certifying body shall ensure that personnel appointed to carry out inspections shall provide the approved certifying body with a detailed report no later than four weeks following the inspection date(s).
- 23.6 An Inspection report will detail the inspector's findings together with the operator's responses to the questions raised by the inspector.
- 23.7 Inspection reports will report all non-conformities.
- 23.8 Inspection reports shall provide comprehensive information for certification review members to make a competent and objective decision concerning certification.
- 23.9 Inspectors will record the following on the Inspection Report:
- a) the date and duration of the inspection; and
 - b) all relevant findings (observations and non-conformity); and
 - c) names of the person(s) interviewed and their responses to the questions raised; and
 - d) all documents that have been examined by the inspector during the course of the inspection.
- 23.10 At the end of each inspection, the operator shall countersign the Inspection report.

- 23.11 Timelines for rectifying minor non-conformities may be negotiated between the certified operator and the approved certifying body.

24 Certification decisions

- 24.1 The approved certification body shall specify conditions under which it grants and the procedures for granting certification.
- 24.2 The decision as to whether or not to certify a system shall be undertaken by the approved certifying body on the basis of the information gathered during the inspection process and the supply of other relevant information.
- 24.3 Certification decisions, including those concerning the maintenance of certification, shall be objective and transparent.
- 24.4 Certification decisions shall be recorded in such a way as to enable the decision to be traced back to the point of origin.
- 24.5 The certification body shall not delegate authority for granting, maintaining, extending, and suspending or withdrawing certification to an outside person(s) or body. Nor should the person(s) who conducted the inspection have any input into the certification decision process other than to make recommendations.
- 24.6 When certification is denied, the reasons shall be clearly stated by the approved certifying body in a written response to the operator.

25 Certified operator certificate

- 25.1 The approved certifying body will provide each certified operator with a document such as a letter and/or contract and/or certificate signed by a management representative. As a minimum, the information shall include the:
- a) name and address of the certified operator; and
 - b) name and address of the approved certifying body; and
 - c) program under which the operator is certified; and
 - d) scope of the certification including reference to the National Standard, and
 - e) products or product categories; and
 - f) certification state (e.g., in conversion, bio-dynamic or organic) of each product; and
 - g) date of letter/certificate issuance; and
 - h) period of certification; and
 - i) a unique identification number.
- 25.2 Certification procedures shall be clearly outlined in the approved arrangement describing the circumstances and conditions in which certificates or licenses will be withdrawn if non-conformities are identified.

26 Goods transfer certificate

- 26.1 The approved certifying body shall ensure that certified operators use a goods transfer certificate or similar documented processes for the transfer of certified goods between certified operators.
- 26.2 Goods transfer certificates or similar system shall contain sufficient information to prevent fraudulent transfer of certified goods and include:
- a) the seller/certified operator name and address/certification number; and
 - b) the customer/certified operator name and address/certification number; and
 - c) the transaction date and signature of the seller/certified operator; and
 - d) an accurate and complete description of the certified goods; and
 - e) the quantity of certified goods; and
 - f) current certification status of the goods; and
 - g) produce lot numbers or other identification marks; or
 - h) reference to any other relevant documentation such as an invoice, packing list or bill of lading.
- 26.3 The approved certifying body shall require copies of signed goods transfer certificates to be retained by the certified operator for at least five years.

27 Critical Non-conformity

Note Critical non-conformities that fall into this category may include: a severe breakdown in operator procedures, false or misleading trade description, substitution or contamination of goods, the use of non-allowed inputs, inspector inducement.

- 27.1 The Inspector shall immediately notify the approved certifying body of the critical non-conformity and await further instructions.
- 27.2 Upon notification, the approved certifying body may delegate power to an inspector to immediately suspend certification where the critical non-conformity has been clearly identified during a scheduled or unannounced inspection.
- 27.3 The approved certifying body shall have a documented range of sanctions to deal with critical non-conformity, including but not limited to, certified product recall, quarantining of existing certified product, suspension or revocation of certification status, overseas client notification.
- 27.4 The approved certifying body shall, without delay, immediately notify the competent authority of any critical non-conformity.

28 Use of Licences, Certificates, Marks and Logos

- 28.1 The approved certifying body shall have documented procedures for the control and use of its logo by certified operators.
- 28.2 The approved certifying body will document procedures for the intended or unintentional misuse of its logo by certified operators, including any false claims as to certification status of a product.
- 28.3 The approved certifying body should avoid using the same mark to indicate different certification systems.
- 28.4 The approved certifying body shall avoid confusion between marks if there is more than one. This does not exclude the use of the same corporate logo in different marks for different systems of conformity.
- 28.5 Inaccurate references to the certification system or misleading use of licenses, certificates, or marks/logos shall be attended to by the approved certifying body via operator sanctions.
- 28.6 Use and distribution of the government regulatory mark by approved certifying body shall be in accordance with the “Rules for Design and Procedure Governing Australian Regulatory Marks for Certified Organic, Bio-dynamic or In-conversion Produce” document (as amended).

29 Complaints to certified operators

- 29.1 The approved certifying body shall require the certified operator to:
 - a) keep a record of all complaints made known to him/her which relate to a certified product or system compliance with the National Standard; and
 - b) take appropriate action with respect to such complaints and any deficiencies found in goods or services that effect compliance with the requirements for certification; and
 - c) document any corrective or follow up action taken.

30 Derogations

- 30.1 The only derogations to the National Standard permissible to be granted by an approved certifying body are those clearly designated within the National Standard under the heading *Derogation*.
- 30.2 The approved certifying body will ensure that the requirements for derogations are clearly defined, documented and understood.
- 30.3 The approved certifying body shall specify conditions under which it grants and the procedures for granting derogations.

- 30.4 The decision as to whether or not to grant derogations shall be undertaken by the approved certifying body on the basis of the information/evidence gathered during the application process.
- 30.5 Applications for derogations will be assessed by officers who are trained in the standards to which the derogation is sought.
- 30.6 Derogation decisions shall be recorded in such a way as to enable the decision to be easily justified under scrutiny by department authorised personnel.