



Export Establishment Registration

Fact Sheet

What is an Export Establishment?

An export establishment is a premise that produces edible and /or inedible prescribed goods for export.

Prescribed goods for export must be prepared, stored, handled and/or presented for inspection at a registered establishment under the following legislation:

- *Export Control Act 1982*
- *Export Control (Meat & Meat Products) Orders 2005*
- *Export Control (Prescribed Goods - General) Orders 2005*
- *Export Control (Hay and Straw) Orders 2005*
- *Export Control (Milk and Milk Products) Orders 2005*
- *Export Control (Plants and Plant Products) Orders 2005*
- *Export Control (Eggs and Egg Products) Orders 2005*
- *Export Control (Fish and Fish Products) Orders 2005*
- *Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010*
- *Export Control (Poultry Meat and Poultry Meat Products) Orders 2010*
- *Export Control (Rabbit and Ratite Meat) Orders 1985*
- *Export Control (Fees) Orders 2001*

Why does the Department of Agriculture register establishments for export?

The purpose of registering an establishment is to ensure that:

- the facilities available are fit for the purpose of preparing, handling, storing and/or inspecting product for export
- appropriate hygiene and the necessary measures to produce the goods according to trade description and other requirements applicable to a given commodity are maintained
- the goods comply with importing country requirements.
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How can you register an establishment for export?

Establishments must be registered by the department's Secretary before commencing an operation for the production, storage, handling and/or presentation of prescribed goods for export.

Only the Secretary has the authority to register or renew registration of an establishment.

Establishments seeking to become registered to prepare prescribed goods for export from Australia must apply for registration using the official approved EX26 form, titled **“Application for Registration or Notification to the Secretary of Change of Details of an Establishment”**.

The Secretary is obliged to register an establishment for export where the requirements for registration are met. However the registration of the establishment may be subject to conditions specified by the Secretary consistent with the objectives of the legislation. The registration of an establishment may be varied at the request of the occupier or the Secretary. The registration of an establishment is based upon three elements:

- “fit and proper person” - the persons nominated as in management and control of the establishment are assessed as “fit & proper persons” in accordance with the *Export Control Act 1982*
- outstanding debt - any debts owed to the Commonwealth in connection with the establishment are paid
- technical compliance - the establishment having an Approved Arrangement. The establishment must meet the technical requirements relevant to the commodity the Approved Arrangement will cover. The Instrument of Approval of the arrangement must accompany the application for registration.

The Secretary must ensure that the assessment of an application for the registration is completed within the stipulated statutory time frames set out for the particular commodity in the *Export Control (Prescribed Goods - General) Orders 2005*. For example: Meat commodity is 60 days.

Requirements to register an establishment for export

An authorised officer is a person appointed by the Secretary under section 20 of the Act to exercise all or some of the powers and functions under the Act can make a recommendation to the Secretary using an EX26 form, stating that the establishment meets the legislative requirements to obtain registration. Inspection of the establishment by an authorised officer must be conducted to assess whether the establishment meets the requirements for registration or to verify that an establishment continues to meet the requirements for registration renewal.

The application for registration must include:

- the name of the occupier (must be a legal entity). An occupier may nominate one or more registered business names to be approved as an alternate trading name. A registered business name is not a legal entity and it is not acceptable as the name of the occupier of an establishment
- the business address of the occupier and the physical location of the premises
- the particulars of proposed export operations to be conducted in the establishment and other operations likely to affect the export operations any other information required in the particular case by the relevant *Export Control Order*.

If the premises are a ship, the application for registration must include:

- the name of the vessel, home port and the place in Australia where the ship can be inspected

- particulars of any serious offence for which the occupier or persons in management or control have been convicted of, that may impact the Secretary's decision to register the establishment.

Establishment number for an establishment registered for export

A number is allocated to an establishment upon registration. The number is unique for the purposes of identifying the establishment. If an occupier moves operations to new premises, a new number will be allocated to those premises upon registration.

Registered export operations

When an establishment is registered, it is allocated specific registered operations. These operations are relevant to the commodity and must conform to technical requirements. A registered establishment can only carry out the export operations for which it has been registered.

Each commodity has specific codes for each product. A comprehensive list and explanation of the accurate application of the codes can be found in the "**List and Explanation of Operational Process Codes for Export Registered and Export Listed Establishment (ER)**".

These codes are critical to the validations that are conducted via the EXDOC system and they support decisions to issue export permits and or health certificates, so it is essential that they be true and correct.

Registration fee and period of registration

An application and registration fee may apply (differs for each commodity) as per the Export Control (Fees) Orders 2001 and the Export Inspection (Registration Establishment Charges) Regulations 1985.

The registration comes into effect on the date the establishment is registered by the Secretary or another date (if any) specified in the certificate of registration. An establishment is registered on an ongoing basis provided it complies with all the requirements relevant to the granting of export registration. If the certificate of registration specifies a limited period for which the establishment will be registered, the establishment will cease to be registered at the expiration of that period.

The registration of an establishment continues until the registration is suspended or terminated either by the Secretary, or by the occupier notifying the Secretary in writing.

If a person ceases to be the occupier of a registered establishment, the registration of that establishment lapses.

Registration renewal

Only applies where a limited registration period is in force.

The occupier of a registered establishment may apply in writing to the Secretary for the renewal of the registration of an establishment. The application must reach the Secretary no later than 28 days before the current registration expires. If the application is not received within this time frame, a late application for renewal of registration is to be treated as a new application for its registration. The Secretary must renew the registration of an establishment if all the legislative requirements are met. A new certificate must be issued to the occupier specifying the export operations for which the establishment is registered and the establishment number.

Registration Certificate

The Secretary will issue a certificate of registration to the occupier.

A copy of the certificate of registration must be prominently displayed at the establishment. The certificate must contain:

- the name and address of the occupier
- the ACN and ABN number of the occupier
- the alternate trading names (if applicable) of the occupier
- the number allocated to the export registered establishment
- the limited period for which the establishment is registered (if applicable)
- the export registered operations for the establishment
- the eligible country listing for the establishment which has been registered
- persons who manage and control the registered establishment
- conditions of registration if any.

Registration records

All records relating to establishment registration is kept on individual files created for each establishment and maintained in the department's National Office by the Documentation, Registration & Licensing section of Food Division.

Where can I find information on establishment registration?

The relevant legislation covering the registration of establishments can be found on the Department's website at <http://www.daff.gov.au/>

Further information can be obtained from the departments regional offices as below

- Sydney (02) 83347444
- Melbourne (also includes information for SA and WA) (03) 83186700
- Brisbane (07) 32468755

Email: exportestablishmentregistration@daff.gov.au