

## **Reconsideration and Review of Decisions – Export Control (Organic Produce Certification) Orders**

If you believe that the decision of an authorised officer under the *Export Control (Organic Produce Certification) Orders* (hereinafter referred to as the Organic Orders) is unreasonable, there is a process in place by which you can ask for a review of that decision. See <http://www.daffa.gov.au/aqis/quarantine/legislation/export> for the relevant legislation.

It is your responsibility as an Approved Certifying Organisation; Organic Operator or as an exporter to ensure that you have read the relevant parts of the legislation to fully understand your rights in requesting a review of a decision and the circumstances under which you are eligible to seek a review of a decision.

The information below is provided in plain English and must be read in conjunction with the legislation.

If after reading the attached document, you intend to lodge a request for review of a decision and you have difficulty in accessing the legislation from the above link, please contact the local AQIS office as soon as possible and request a hard copy.

If your interests are affected by a decision of an authorised officer made under:

- ▶ Order 2.03 – regarding the issue of an organic produce certificate;
- ▶ Suborder 2.04 (1) – regarding the revocation of an organic produce certificate;
- ▶ Suborder 3.04 (1) & (2) – regarding the issue of a QM certificate to a certifying organisation;
- ▶ Suborder 3.08 (1) - regarding the issue of a QM certificate to individual operators;
- ▶ Suborder 3.10 (2) & (3) – regarding the revocation of a QM certificate;
- ▶ Suborder 3.17 (1) – regarding the issue of a corrective action request;
- ▶ Suborder 3.17 (3) – regarding the revocation of a QM certification;
- ▶ Suborder 3.18 (1) – regarding an amendment to a corrective action request.

you can apply to the Secretary for a reconsideration of the authorised officers' decision. The reconsideration right is set out in Part 16 of the *Export Control (Prescribed Goods – General Order 2005)* and is applied to by Part 4, suborder 4.01 the Organic Orders.

### **Application for reconsideration by the Secretary**

Your application for reconsideration by the Secretary must:

- be given to the Secretary within 28 days after the date you first receive notice of the initial decision or such further period as the Secretary allows;
- be in writing; and
- set out the reasons for the application. In the reasons you must be specific about what aspect or aspects of the initial decision you are asking to be reconsidered.

You will be sent written notice of the Secretary's decision, and the reasons for that decision, within 45 days after the date on which the Secretary receives your application for reconsideration.

### **Application to the AAT**

If your interests are affected by the Secretary's decision following reconsideration of his or her initial decision, you may apply to the AAT for a review of the Secretary's decision. This review can only take place after the Secretary has reconsidered the initial decision.

## **Review of decisions made by an approved certifying organisation**

If your interests are affected by a decision of an approved certifying organisation made under:

- ▶ Order 2.02 – regarding the issue of an organic produce certificate;
- ▶ Suborder 2.04 (1) – regarding the revocation of an organic produce certificate;

You can apply to the Administrative Appeals Tribunal (<http://www.lawlink.nsw.gov.au/adt>) for review of the decision under the *Administrative Appeals Tribunal Act 1975*.