

REQUIREMENTS FOR TRANSFERRING PRESCRIBED DAIRY PRODUCTS BETWEEN *AQIS* REGISTERED ESTABLISHMENTS.

THE PURPOSE OF THIS INFORMATION SHEET

The objective of this information sheet is to provide clarification on the requirements for transferring processed food (dairy products) between AQIS registered establishments.

SO WHAT'S IN THE NEW ORDERS?

Most of the requirements for transferring dairy products between AQIS registered establishments are fairly similar to what you do now, however there are some changes that came into force on the 1 July 2005 that you need to be aware of.

Under the new Export Control (Milk and Milk products) Orders 2005 it is a mandatory requirement that every movement of processed food (dairy product) for export be accompanied by a transfer document. This transfer document now must contain a "declaration" stating that certain conditions have been met and that the information provided is true and correct.

A transfer document is applicable to all establishments. It doesn't matter if you are a store, a loading facility, a freight forwarder or a manufacturer, if you move dairy products for export from one establishment to another then you need a transfer document that contains a declaration.

It is worth noting that even if the dairy products you manufacture are only going to be used as an ingredient in another dairy product being exported, then all of the requirements of the Export Orders (including transfer documents) apply to your business.

It is also worth noting that it doesn't matter if you are receiving or dispatching dairy products, you must have a transfer document. If you are receiving a dairy product then you need to make sure that the goods are accompanied by a transfer document (this document should be provided by the company transferring the goods to your establishment). If you are sending the goods then you need to provide the transfer document to the company that is receiving the goods.

DO I ALWAYS NEED A TRANSFER DOCUMENT?

Not always. You don't need a "transfer document" if the dispatching and receiving establishment are owned/occupied by the same person **and** you have an approved arrangement in place (at both establishments) that documents the controls necessary to ensure that all processed food prepared/stored/handled etc at the establishment can be:

- (a) Identified; and
- (b) Traced; and
- (c) If necessary, recalled.

WHAT DOES THE LEGISLATION SAY REGARDING TRANSFERS?

The following is a copy of the legislation requirements (clause 7.1 of Schedule 8) and covers the information that is required to be provided upon the despatch/transfer of prescribed dairy goods for export.

7.1 The information to be provided on despatch

For each consignment of processed food for export as food despatched from an establishment engaged in the preparation (including handling, storing and packing) of processed food the following information must be given to the consignee. (a consignee in this case is the occupier of the establishment where the goods are being dispatched to)

- (a) The name, address and registration number of the despatching establishment;
- (b) A full description of the food;
- (c) An indication of the temperature controls under which the food must, under these Orders, be transported;
- (d) The quantity of the processed food in the consignment and the number and description of packages (if any) in which the food is packed;
- (e) If the food is prepared in order to meeting the importing country requirements of one or more identified countries—the name of those countries;
- (f) The name and address and registration number (if any) of the establishment to which the food is despatched;
- (g) A declaration stating that:
 - (i) The requirements of Export Control Processed Food Orders 1992 and/or the Export Control (Milk and Milk products) Orders 2005, the applicable approved arrangement and the conditions of that arrangement; and
 - (ii) The importing country requirements identified in the approved arrangement;That apply to and in relation to the processed food while it is at the establishment are complied with;
- (h) A declaration stating that all the information given to the consignee for the purposes of complying with this clause is true and complete.

DO I HAVE TO USE A PARTICULAR FORMAT FOR MY TRANSFER DOCUMENT?

No, there is no set format for a transfer document. Ideally it should be in a format that meets the needs of your business and at the same time meets all of the legislative and importing country requirements. Many companies use existing invoices and or picking slips and modify them to ensure that all the above requirements are covered.

WHAT NEEDS TO BE COVERED IN THE TRANSFER DECLARATION?

A statement/declaration needs to be included in the transfer document and should state that;

- ⇒ the requirements of the Export Control Processed Food Orders 1992 and/or the Export Control (Milk and Milk Products) Orders 2005,
 - ⇒ the conditions of the approved arrangement in relation to the processed food as they apply to this premises; and
 - ⇒ the importing country requirements identified in the approved arrangement,
- Have been complied with whilst the processed foods was at this establishment.

The Declaration must also;

- ⇒ declare that all the information given to the consignee for the purposes of complying with this clause is true and complete.
- ⇒ be made by a person designated in the despatching establishment's approved arrangement as a person who may make such a declaration.
- ⇒ be signed and dated by the maker of the declaration and
- ⇒ include the name and position of the maker of the declaration.

MAKING A FALSE DECLARATION

You should be aware that there are penalties for making a false or misleading statement, which may result in the establishment's approved arrangement being suspended or revoked. (*See subclause 21.1 of Schedule 2.*)

There are also criminal penalties that apply to false or misleading statements made by a person to a Commonwealth entity. For information on the penalties see the *Criminal Code Act 1995* Part 7.4 (False or misleading statements).

KEEPING RECORDS

It is a requirement that all declarations made by you or that come into your possession must be kept for a minimum of 3 years.

Further information can be found in section 60 (record keeping) of the new legislation.

WHAT IS A TRANSFER DECLARATION?

Effectively a transfer declaration is a statement made by a person in management or control at a registered establishment that the prescribed goods meet all of the requirements of the Export Control Processed Food Orders 1992 and/or the Export Control (Milk and Milk Products) Orders, approved arrangements and any specific importing country requirements, whilst at their establishment.

WHY DO I NEED ONE?

It shows AQIS and the registered establishments that the food has stayed in the export chain, is fit for human consumption, is eligible for export and meets importing requirements. This system ensures that AQIS has a sound basis for issuing export documentation.

WHEN IS A DECLARATION REQUIRED?

A transfer declaration is required for every movement of prescribed goods between registered establishments, except where the food is being transferred between establishments with the same occupier.

DO I NEED A DECLARATION WHEN I AM SENDING GOODS TO MY OWN COMPANY?

You do not need a transfer declaration where the same person is the occupier of the despatching and the receiving establishment. You must ensure that your approved arrangement documents the controls necessary to ensure that the requirements of clause 1 of Schedule 8 are complied with during the transfer.

WHAT IS CLAUSE 1 OF SCHEDULE 8?

Clause 1 of schedule 8 sets out those requirements to ensure effective measures are in place that demonstrates all processed food prepared at an establishment can be adequately identified, traced and if necessary, recalled.

DO I HAVE TO KEEP A COPY OF TRANSFER DECLARATIONS MADE BY ME IF I AM NOT THE EXPORTER?

Yes, if you made the declaration then you must keep it for a period of not less than 3 years. You must also keep a copy of any declarations (both transfer and compliance) that come into your possession

DO I NEED A TRANSFER DOCUMENT WHEN GOODS GO DIRECTLY TO THE WHARF OR THE AIRPORT?

No, if your goods are going directly to the wharf or airport then you don't need to provide a transfer document, however if your goods are going to a store prior to loading then all the requirements for transfer apply.

CAN TRANSFER DECLARATIONS BE SENT ELECTRONICALLY?

Yes, they can be sent via fax, email, in writing etc to the receiving establishment, or they can accompany the goods.

FREQUENTLY ASKED QUESTIONS *CONTINUED*

IF I STORE SOMEONE'S PRODUCT DO I NEED TO GIVE MY OWN TRANSFER DECLARATION WHEN IT MOVES OUT OF MY PREMISES?

Yes, where a dairy product for export moves to another registered establishment, you must provide a transfer document (which includes the declaration) stating that while in your premises the goods met the requirements of the Orders.

WHAT HAPPENS IF I RECEIVE PRODUCT FOR EXPORT AND I DON'T GET A TRANSFER DECLARATION?

At the time you take receipt the goods into your establishment, you must also receive a transfer document (either with the goods or electronically).

WHAT DOES "IN A FORMAT THAT MEETS THE NEEDS OF YOUR BUSINESS" MEAN?

It means that you are not compelled to provide another "piece of paper". If you can incorporate the requirements of this new legislation into your existing "systems" this is acceptable.

WHO IS AN EXPORTER?

An exporter is the person nominated on the export permit who is responsible for ensuring that the product(s) being exported meet all the legislative and importing country requirements and are eligible for export.

WHAT DOES PREPARATION MEAN?

Preparation, in relation to dairy goods, means the processing, packing or storage of prescribed goods and the treatment of prescribed goods and the handling or loading of prescribed goods.

WHAT IS A MANUFACTURER?

The term "manufacturer" means the establishment at which the processed food (dairy product) is last prepared (other than merely stored, handled or loaded).

WHAT DOES "OTHER THAN MERELY STORED, HANDLED OR LOADED" MEAN?

It means the product has been exposed for repackaging or further processing and consequently had the potential to become contaminated; therefore an additional/new declaration of compliance is required.

WHAT IS AN EX26?

An EX26 is a form used to notify AQIS of an "Application for registration or notification to the Secretary of change of details (management or operations) of an establishment".

For a change in operations or an application for registration you need to submit the EX26 to the State Regulatory Authority for approval.

For a change or addition to management and control details then you need to send the form directly to AQIS office in the state you are located.

FREQUENTLY ASKED QUESTIONS *CONTINUED*

HOW CAN I MAKE A STATEMENT THAT THE GOODS MEET THE IMPORTING COUNTRIES REQUIREMENTS IF I DON'T WHERE THEY ARE BEING EXPORTED TO?

You only need to make a statement about meeting the importing country requirements identified in your approved arrangement. If you don't know the final country for which the product is destined then you can't say it met a different or specific importing country requirement.

HOW DO I KNOW THAT THE GOODS MEET THE IMPORTING COUNTRY REQUIREMENTS?

You won't necessarily know that the goods have been manufactured to meet a specific importing country requirement, unless you are the exporter and receive a declaration of compliance, or if on the transfer document you receive information that it met a specific country requirement at the previous dispatching establishment.

In terms of a transfer document you are required to make a declaration that whilst at your establishment the goods met the specific importing country requirements identified in your approved arrangement. If the product is destined for a country which does not have specific requirements and the product meets the export legislation then by default it will meet that country's importing country requirements.

HOW DO I FIND OUT THE REGISTERED ESTABLISHMENT NUMBER OF THE PREMISES I'M MOVING GOODS TO?

In the first instance you should contact the establishment that the goods are being sent to and they will be able to advise you of their number. If this fails contact the Dairy Export Program within AQIS.

CAN I MOVE GOODS TO ANOTHER ESTABLISHMENT IF I DON'T KNOW THEIR REGISTERED NUMBER?

No, you must ensure that any movement of prescribed goods stays within the export chain. Sending goods to an unregistered establishment disqualifies the goods from being exported.

FURTHER CONTACT INFORMATION

A copy of the Export Control (Dairy, Eggs and Fish) Orders 2005 legislation can be found at <http://www.comlaw.gov.au/>

For information on food standards and HACCP principles the Food Standards Code web address is

http://www.foodstandards.gov.au/foodstandardscode/index.cfm#_FSCchapter1

Relevant state dairy authority contacts are;

Victoria:	Dairy Food Safety Victoria	03 9810 5900
New South Wales:	Safe Food Production NSW	02 9295 5727
Queensland:	Safe Food Queensland	07 3405 4800
Tasmania:	Tasmanian Dairy Industry Authority	03 6421 7836
Western Australia:	Western Australian Dept. of Health	08 9388 4958
South Australia:	Dairy Program Officer AQIS	08 8305 9700
Northern Territory:	Dairy Program Officer AQIS	08 8305 9700

For further information please feel free to contact us during business hours on the numbers listed below

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