

# REQUIREMENTS OF A DECLARATION OF COMPLIANCE

## THE PURPOSE OF THIS INFORMATION SHEET

The objective of this information sheet is to provide clarification on when you need a “Declaration of Compliance”, what format it should take and who is responsible for issuing it.

Under the new Export Orders it is a mandatory requirement (from 1 July 2005) that every application for an export permit be supported by a “declaration of compliance” issued by the manufacturer of the dairy products.

There are two types of declarations covered by the new legislation, one is a “declaration of compliance”, which is issued by the manufacturer and is a mandatory component of applying for an export permit, required in Schedule 9 clause 3.1, the other (described further below) is needed for the transfer of dairy goods for export between establishments.

## WHAT DOES THE LEGISLATION SAY REGARDING DECLARATIONS OF COMPLIANCE?

A manufacturer’s declaration of compliance must comply with the requirements of clause 6 of Schedule 9, which requires that it;

- Identify the milk and milk products being exported.
- Make statement that the milk and milk products for export comply with the relevant conditions and restrictions of the Orders.
- Make declare that any importing country requirements identified in the Approved Arrangement have been complied with.
- Make statement that the information in the declaration is true and complete.
- Be signed by the maker of the declaration and dated.

This manufacture’s declaration may not necessarily be the original manufacturer of the product, it needs to be provided by the export registered establishment where the product was last prepared. As example; cheese may be made by company “X”, then moved/sold to company “Y” for packaging, in this instance company “Y” would need to provide the declaration of compliance.

In relation to the term “manufacturer” above we are talking about the establishment at which the processed food (milk and milk products) is last prepared (other than merely stored, handled or loaded)

The other requirement for a declaration can be found in clause 6.1 of Schedule 8, of the Export Control (Milk & Milk Products) Orders 2005, which deals with the transfer of goods between approved dairy establishments (normally stores, loading facilities or freight forwarders). Under this new requirement you are now required to provide transfer documentation for moving product from one establishment to another, this transfer document must also include a declaration with wording to the effect that the applicable conditions and restrictions (Orders 37 to 45) and any importing country requirements were complied with while at the establishment and that the information in the transfer document(s) is true and complete.

This “transfer declaration” is different to the “manufacturer’s compliance declaration” and is detailed in another information sheet.

## WHAT MUST A DECLARATION OF COMPLIANCE CONTAIN?

There is no set format for the declaration of compliance and ideally it should be in a format that meets the needs of your business.

The declaration of compliance must identify the particular processed dairy food being exported. Identification should include a full description that adequately describes the processed food manufactured for export.

e.g. Cheddar Cheese 20 x 500gm, Batch 1234, DOM 01/01/2005, etc...

The declaration must state that at the time the processed food was last prepared (other than merely stored, handled or loaded) for export it complied with all the conditions and restrictions specified in the Export Control Processed Food Orders and/or Part 4 of the Export Control (Milk and Milk Products) Orders 2005.

*Part 4 of the orders includes such things as registration, approved arrangements, premises, equipment, vehicles, hygiene, preparation, transport, compliance with product standards, trade descriptions, identification of product, tracing system and integrity and transfer.*

### **The Declaration must;**

- identify the name, address registered establishment number and contact details of the manufacturer,
- state that the information is true and complete,
- be signed and dated by the maker of the declaration and
- include the name and position of the maker of the declaration.

## WHO CAN MAKE A DECLARATION OF COMPLIANCE?

A person who may make a declaration of compliance required in clause 3.1 of schedule 9 must be designated in the establishments approved arrangement as a person who may make such a declaration on behalf of the occupier and the approved arrangement provides for export inspection procedures that include the making of declarations of compliance for the milk and milk products concerned.

*A person may make a declaration referred to in paragraph 3.1(a) of this Schedule only if the applicable approved arrangement*

## 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 the exporter must keep each declaration of compliance for a minimum of 3 years.

If you are exporting your own product you must also keep a copy of the declaration of compliance for a minimum of 3 years.

If you are exporting someone else's product you will need to obtain a declaration of compliance from the manufacturer and keep it for a minimum of 3 years.

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

## **FREQUENTLY ASKED QUESTIONS**

### **WHAT IS A DECLARATION OF COMPLIANCE?**

Effectively a declaration of compliance is a statement made by the manufacturer of the prescribed goods being exported. The declaration must state that the specific dairy product being exported meets all the requirements of the Export Control Processed Food Orders and/or the Export Control (Milk and Milk Products) Orders 2005. This shows that the food is eligible for export and fit for human consumption.

### **WHEN IS A DECLARATION REQUIRED?**

A declaration of compliance is required for every export permit application and must cover all dairy products being exported.

### **DO I HAVE TO KEEP A COPY OF DECLARATIONS OF COMPLIANCE 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.

### **WHAT HAPPENS IF I MANUFACTURE AND EXPORT THE PRODUCT? DO I NEED A DECLARATION OF COMPLIANCE?**

Yes you do, all exports of dairy products need a declaration of compliance.

### **AS THE EXPORTER AND MANUFACTURER WHAT DO I HAVE TO DO WITH THE DECLARATION OF COMPLIANCE?**

You need to keep the declaration of compliance to demonstrate that you have met the legislative requirements and have complied with the requirements of your approved arrangement. You also need to keep the declaration of compliance for a minimum of 3 years.

### **DO I HAVE TO GIVE A DECLARATION OF COMPLIANCE WHEN I AM SENDING THE PRODUCT TO A STORE OR FREIGHT FORWARDER?**

Generally not. If they are not the exporter they do not require a copy of the Declaration of Compliance, however they will need to be provided with a transfer document.

## **AS A MANUFACTURER DO I NEED TO IDENTIFY THE EXPORT PERMIT NUMBER ON THE DECLARATION OF COMPLIANCE?**

No, it is not a requirement to reference the export permit number on the declaration, however the exporter will need to be able to link the declaration with a specific export permit number and/or RFP number. As part of a verification process, the exporter may be requested to provide this information to AQIS. It may be in the exporter's interest to include an RFP number (once initiated and known) on the declaration of compliance paperwork. This helps ensure identification.

## **FREQUENTLY ASKED QUESTIONS**

### **CAN A DECLARATION OF COMPLIANCE BE SENT ELECTRONICALLY?**

Yes, it can be sent via fax, email etc.

### **IF THE MANUFACTURER WON'T GIVE ME A DECLARATION OF COMPLIANCE, WILL AQIS?**

In the first instance you should contact the manufacturer of the goods. If you are still unable to get a declaration of compliance you should contact AQIS.

### **DO I HAVE TO PROVE THAT THE MANUFACTURER WON'T GIVE ME A DECLARATION OF COMPLIANCE BEFORE AQIS WILL?**

We may ask for evidence that you have requested the declaration and have been refused this information.

### **WILL AQIS GIVE ME AN EXPORT PERMIT KNOWING THAT THE PRODUCT CAME FROM A REGISTERED ESTABLISHMENT OR WILL THEY CONTACT THE MANUFACTURER?**

No, we must verify that the information is true and correct and that the product is eligible for export. It is likely to involve a combination of involvement from the State Regulatory Authority and the company.

### **WHAT IF I DON'T WANT THE MANUFACTURER TO KNOW I'M EXPORTING THEIR PRODUCT? DO I STILL NEED A DECLARATION?**

Yes you do and the manufacturer must be your first point of contact - not AQIS.

### **DO I HAVE TO SEND IN THE DECLARATION OF COMPLIANCE TO AQIS FOR EACH REQUEST FOR PERMIT?**

No, however you must keep a copy and provide it to AQIS upon request. In your application for an export permit you must declare that you are in possession of a declaration of compliance and that the information provided is true and correct.

EXDOC will be enhanced to allow for this declaration to be made.

**WHAT IF THE EXPORT HAS MULTIPLE PRODUCTS FROM MULTIPLE ESTABLISHMENTS? DO I NEED A DECLARATION OF COMPLIANCE FROM EACH ESTABLISHMENT?**

Yes you do.

**DO I NEED A DECLARATION OF COMPLIANCE FOR EACH DIFFERENT PRODUCT?**

Your declaration of compliance must cover all products being exported. If the goods have been manufactured by the one occupier (producer) then the one declaration will cover all products, however if the goods are from several occupiers (producers) then you will need a declaration from each producer.

**EXAMPLE OF AN ACCEPTABLE DECLARATION OF COMPLIANCE**



*Acme Dairies*

No XX Dairy Rd  
Somewhere, Aust.  
Ph: (0X) XXX XXXX, Fax: (0X) XXX XXXX  
Registered Establishment No 1234

Product Description	Est. of origin Code	Batch / Product Code	Manufacture Date	No and kind of Packages	Quantity	Net weight

**Declaration by Manufacturing Establishment.**

I the undersigned hereby declare that,

- (a) the processed dairy food described above was manufactured in accordance s with all the conditions and restrictions specified in the Export Control (Processed Food) Orders 1992 and/or the Export Control (Milk and Milk Products) Orders 2005,
- (b) the applicable approved arrangements and the conditions of that arrangement, and
- (c) the importing country requirements identified in the approved arrangement. (Specific country.....)

I further declare that the information contained in this declaration is true and complete,

If no Specific country has been nominated above, then the product identified in this declaration has been manufactured to the general AQIS export standard and not in accordance with any specific importing country requirement. Further information regarding importing country eligibility should be confirmed by contacting <name of company>. **i.e. your company**

<p>Signed:</p> <p>.....</p> <p>Dated</p> <p>...../...../.....</p> <p><b>Note#</b> The declaration can only be signed by a person listed in the company's approved arrangement as a person eligible to make such a declaration.</p>	<p>Printed Name:</p> <p>.....</p> <p>Position:</p> <p>.....</p>
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**FURTHER CONTACTS**

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](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

Name	Contact Number	Email
Faye McLarty	03 8318 6762	<a href="mailto:faye.mclarty@aqis.gov.au">faye.mclarty@aqis.gov.au</a>
Shayne Daniels	03 8318 6763	<a href="mailto:shayne.daniels@aqis.gov.au">shayne.daniels@aqis.gov.au</a>
Susan Doyle	03 8318 6764	<a href="mailto:susan.doyle@aqis.gov.au">susan.doyle@aqis.gov.au</a>
Jalal Dean	08 8305 9824	<a href="mailto:jalal.dean@aqis.gov.au">jalal.dean@aqis.gov.au</a>
Phil Golledge	03 8318 6765	<a href="mailto:phil.golledge@aqis.gov.au">phil.golledge@aqis.gov.au</a>
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