



Export Control (Plants and Plant Products) Orders 2005

as amended

made under regulation 3 of the

Export Control (Orders) Regulations 1982

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Order 1

Part 1 Preliminary**1 Name of Orders** [see Note 1]

These Orders are the *Export Control (Plants and Plant Products) Orders 2005*.

2 Commencement

These Orders commence on 1 July 2005.

3 Application

3.1 These Orders apply to the following goods:

- (a) fresh fruits;
- (b) fresh vegetables;
- (c) dried fruits;
- (d) prescribed grain;
- (da) mung beans;
- (e) plants or plant products (other than plants or plant products referred to in paragraph (a), (b), (c), (d) or (da)) for which a phytosanitary certificate or any other official certificate is required by an importing country authority.

3.2 Goods to which these Orders apply are declared to be prescribed goods for the purposes of the definition of *prescribed goods* in section 3 of the Act.

4 Interpretation

4.1 In these Orders, unless the contrary intention appears:

approved means approved by the Secretary by instrument in writing.

approved arrangement means an arrangement approved under Part 10.

approved inspector means:

- (a) an authorised officer; or
- (b) a suitably trained person approved to undertake inspection and certification activities under an approved arrangement.

Australia New Zealand Food Standards Code has the same meaning as in the *Food Standards Australia New Zealand Act 1991*.

barley means whole grain of *Hordeum vulgare* (whether 2-row or 6-row), but does not include hulled, milled or malted grain of that kind.

canola means whole seed of *Brassica napus* var. *napus* cv. 'Canola'.

chickpeas means seed (whole or split) of *Cicer arietinum*.

consignment means a quantity of prescribed goods assembled at the same place and intended for export at the same time to a particular importing country.

Order 4

container includes a silo, bin or ship's hold in which prescribed goods are stored.

container system unit means a container (including a lift van but not including a vehicle) designed for use as a unit of cargo handling equipment in the transport of prescribed goods by aircraft or ship.

contaminant means foreign matter.

cut flower means the aboveground part of a plant, whether the part is fresh or dried, for ornamental or decorative use and not for propagation or consumption.

disease means any abnormal condition of, or in, prescribed goods arising from, caused by or due to the presence, operation, development or growth of any insect, fungus, bacterium, parvo-virus, virus or other parasite.

dried field peas means dried seeds of the species *Pisum sativum* that are angular or spherical in shape, with an unwrinkled skin and not of the varieties known as processing peas, vegetable peas, garden peas or peas in pod.

dried fruit product means a product that contains 50 per cent or more, by weight, of dried fruit.

dried fruits means fruit (including tomatoes but excluding prunes) from which part of the natural moisture content has been removed by means of evaporation or dehydration, and includes dried fruit products.

faba beans means seed (whole or split) of *Vicia faba*.

facility means a silo, wharf or other premises or land, including a part of premises or land, in which prescribed goods presented for export are stored, treated, loaded, handled or inspected.

fogging means a high volume treatment for pests using an insecticide applied by means of equipment that breaks the insecticide droplets into minute particles to create a fog.

foreign matter means any substance, whether organic or inorganic, that is included in, on or with prescribed goods, and includes soil, leaves or stems.

fresh, in relation to fruits or vegetables, means fruits or vegetables that have not been canned, frozen, dried or processed in any other manner that changes their basic characteristics.

fresh vegetables includes herbs, mushrooms, cured onions and sprouts.

fumigation means treatment with poisonous gas, not including the use of contact insecticides propelled by carbon dioxides, smoke generators, fogging or spraying.

horticulture produce means fresh fruits, fresh vegetables, dried fruits, nursery stock or cut flowers.

IPPC means the International Plant Protection Convention of the Food and Agriculture Organisation of the United Nations.

lentils means seed (whole or split) of *Lens culinaris*.

lupins means seed (whole or split) of *Lupinus angustifolius* or *Lupinus albus*.

Order 4

marine surveyor means a surveyor having the minimum qualifications and experience specified in Schedule 1.

master means the master of a ship into which prescribed goods are intended to be loaded.

mung beans means whole seeds of the species *Vigna radiata* or *Vigna mungo*, including varieties, and synonyms.

nursery stock means plant products (not including seeds) intended for propagation, including entire plants, budwood, cuttings, slips, setts, bulbs, corms, rhizomes, tubers, tissue cultures, marcots and seedlings.

oats means grain (whole or clipped) of *Avena sativa* or *Avena strigosa* (but does not include rolled, crushed, milled, hulled or kiln-dried grain of that kind).

occupier:

- (a) in relation to a registered establishment, means the person in whose name an establishment used to prepare prescribed goods for export is registered; and
- (b) in relation to an unregistered establishment, means the person in charge of operations at the establishment.

package means the principal covering in which prescribed goods are packed.

pest means a live or viable species, strain or biotype of plant or animal life, or a pathogenic agent, that is injurious or potentially injurious to plants or plant products.

phytosanitary certificate means a certificate issued in accordance with Article V of the IPPC or at the request of a foreign country authority.

plants means members, alive or dead, of the plant kingdom and includes seeds.

plant products means material of plant or grain origin and includes seeds.

potable water means water that complies with the World Health Organisation, 'International Standards for Drinking Water (1971)'.

prescribed goods means goods to which, by virtue of suborder 3.1, these Orders apply.

Note See order 3.

prescribed goods for consumption means:

- (a) mung beans; or
- (b) any other prescribed goods that may be consumed by humans or livestock either with or without further processing.

prescribed grain means seed or grain of any of the following kinds: barley, canola, chickpeas, dried field peas, faba beans, lentils, lupins, oats, sorghum, soybeans, split vetch, whole vetch, wheat.

re-export phytosanitary certificate means a certificate issued in accordance with Article V of the IPPC or at the request of a foreign country authority for the purpose of re-export.

registered establishment means premises registered under the *Export Control (Prescribed Goods — General) Order 2005*.

sorghum means whole unmilled seed of *Sorghum bicolor*.

soybeans means whole unmilled seed of *Glycine max*.

split vetch means split seed of *Vicia sativa*.

spraying means a high-volume treatment using either an oil or water-based formulation of an insecticide.

treatment means:

- (a) any dismantling, repairing, cleaning or deodorising; or
- (b) the application of any substance; or
- (c) fumigation;

that is necessary for the control or eradication of pests.

wheat means whole unmilled grain of *Triticum aestivum* or *Triticum durum*.

whole vetch means whole seed of *Vicia sativa*.

- 4.2 A reference to a species of plant in a definition of a kind of grain in suborder 4.1 includes every cultivated subspecies, variety and cultivar of the species and every cross of which a plant of the species is a parent, unless the definition limits the reference to a particular subspecies, cultivar or cross.
- 4.3 If in these Orders the words ‘*Penal provision*’ are set out at the foot of a provision of an order, the provision is taken to provide that it is a penal provision for the purposes of subregulation 4 (1) of the *Export Control (Orders) Regulations 1982* and, if that provision specifies that it is a penal provision of a particular level, the applicable penalty is that specified in that subregulation.

Note The offence created by such a penal provision is one of strict liability. See subregulation 4 (2) of the *Export Control (Orders) Regulations 1982*. For strict liability, see section 6.1 of the *Criminal Code Act 1995*.

Order 5

Part 2 Prohibition on export of prescribed goods**5 Prohibition**

- 5.1 The export of prescribed goods (other than split vetch) is prohibited unless:
- (a) the conditions or restrictions specified in these Orders are complied with; or
 - (b) the goods have been prepared in accordance with an approved arrangement.
- 5.2 The export of split vetch is prohibited absolutely.

Note Subsection 8 (1) of the *Export Control Act 1982* makes it an offence for a person to export prescribed goods the export of which is prohibited, and subsection 8 (3) makes it an offence for a person to export prescribed goods in contravention of the applicable conditions or restrictions (see sections 17 and 18 of the Act).

6 Certain provisions of Prescribed Goods (General) Orders to apply

- 6.1 Parts 4, 13, 14, 16 and 17 of the *Export Control (Prescribed Goods — General) Order 2005* apply to prescribed goods.
- 6.2 For the avoidance of doubt it is declared that an exemption from specified orders of these Orders may be sought and granted under Part 3 of the *Export Control (Prescribed Goods — General) Order 2005* in relation to prescribed goods.

Part 3 Registered establishments

7 Construction and other requirements for registered establishments

- 7.1 Schedule 2 applies in relation to registered establishments, or establishments in relation to which registration is sought, for the preparation or inspection of prescribed goods other than dried fruits or mung beans.
- 7.2 Schedule 3 applies in relation to registered establishments, or establishments in relation to which registration is sought, for the preparation or inspection of dried fruits.
- 7.3 Schedule 3A applies in relation to registered establishments, or establishments in relation to which registration is sought, for the preparation or inspection of mung beans.

Note Section 3 of the *Export Control Act 1982* contains a definition of preparation in relation to prescribed goods.

8 Preparation, etc in registered establishment

Prescribed goods must be prepared and presented for inspection in a registered establishment.

Order 9

Part 4 Product standards and trade descriptions**9 Prescribed goods to comply with product standards**

Prescribed goods must:

- (a) be free, in inspected samples, of pests, including any pest for which a declaration of freedom is required by a foreign country authority; and
- (b) contain no contaminants above the relevant levels specified in these Orders; and
- (c) not be loaded after inspection into containers or container system units unless they are clean and free from pests and contaminants; and
- (d) not be loaded after inspection into containers or container system units with other goods that may cross-infest or cross-infect the prescribed goods.

10 Trade description to contain certain information

10.1 When a trade description is applied to prescribed goods, the export of those goods is prohibited unless that trade description is adequate and accurate.

10.1A For the purposes of suborder 10.1, a trade description applied to goods is taken to be adequate if it:

- (a) contains sufficient information to enable the goods to be readily identified; and
- (b) is not ambiguous or unclear; and
- (c) satisfies any particular requirements under these Orders relating to the application of trade descriptions.

10.1B For the purposes of suborder 10.1, a trade description applied to goods is taken to be accurate if it correctly describes the goods.

10.2 The trade description applied to horticulture produce (other than nursery stock and cut flowers) must contain sufficient information to enable importing country authorities to clear the goods and must set out in prominent and legible characters:

- (a) the net contents; and
- (b) the date of packaging or processing; and
- (c) the country of origin shown as:
 - (i) 'PRODUCT OF AUSTRALIA'; or
 - (ii) 'PRODUCE OF AUSTRALIA'; or
 - (iii) 'AUSTRALIAN PRODUCT'; or
 - (iv) 'PRODUCED IN AUSTRALIA'; or
 - (v) 'MADE IN AUSTRALIA'; or
 - (vi) 'AUSTRALIAN' conjoined with the name of the goods; or

Order 14A

- (vii) such other captions that clearly indicate Australia as the country where the goods originated or last underwent preparation that changed their nature; and
 - (d) the number allotted to the registered establishment in which processing last occurred; and
 - (e) the name and address of the manufacturer, producer, exporter or consignee; and
 - (f) any other information specified in these Orders in relation to the goods.
- 10.3 In the case of bagged mung beans, each bag must have attached to it, or printed on it, the registration number of the establishment where the mung beans were prepared and the lot number of the mung beans.

11 Grade description for goods other than horticulture produce

When size, quality or colour grading designations are applied to prescribed goods (other than horticulture produce) in a trade description, they must be readily understandable.

12 Product standards and trade descriptions for dried fruits

In addition to complying with other applicable requirements of this Part, dried fruits must conform with the Australia New Zealand Food Standards Code.

13 Packaging standards and trade descriptions for fresh fruits and fresh vegetables

In addition to complying with other applicable requirements of this Part, fresh fruits and fresh vegetables must comply with the requirements of Schedule 4.

14 General requirements for packaging

Subject to these Orders, materials to be used as packaging materials for prescribed goods and other materials applied to prescribed goods at the time of packaging:

- (a) must not have been previously used or, if previously used and intended for repeated use, must have been cleaned and reconditioned to the satisfaction of an authorised officer; and
- (b) must be used in a manner that is unlikely to place the acceptability of the prescribed goods at risk; and
- (c) must be sufficiently strong to withstand the handling ordinarily incurred by the materials during transit to the final destination; and
- (d) must be otherwise appropriate to the goods.

14A Packaging requirements for mung beans

In addition to complying with order 14, packaging materials for mung beans must adequately protect the mung beans from contamination.

Order 15

15 Records of dates of packaging

If prescribed goods originate from different registered establishments and are repacked at another registered establishment, the occupier of that other registered establishment must maintain a record of:

- (a) the packing dates; and
- (b) the establishments at which the goods were originally packed.

16 Fruit, vegetables and dried fruit not fit for human consumption

Fresh fruits, fresh vegetables and dried fruits that are not fit for human consumption must be clearly marked as not fit for human consumption.

Part 5 Export clearance

Division I Ship surveys — prescribed grain and prescribed goods for consumption

17 Interpretation

In this Division, *relevant goods* means prescribed grain and prescribed goods for consumption (excluding horticulture produce) for loading into a ship in bulk or bags.

18 Arrangements for ship to be surveyed before loading

The master of a ship into which it is intended to load relevant goods must, before loading commences, arrange for the ship to be surveyed by a marine surveyor.

19 Marine surveyor to be appointed by shipowner or agent and approved by exporter

19.1 When relevant goods are to be loaded into a ship, the shipowner or shipowner's agent must provide an authorised officer with a declaration, approved by the exporter of the goods, that a specified marine surveyor has been appointed to survey the ship for the purpose of ensuring that the ship is suitable to carry the goods.

19.2 Suborder 19.1 is complied with if the declaration lists more than one appointed marine surveyor.

20 Acceptance of marine surveyor's certificate

For the purpose of issuing a loading permit under order 25, an authorised officer may accept a certificate referred to in order 21 only if the name of the marine surveyor issuing the certificate appears in a declaration under order 19.

21 Obligations of marine surveyor

A marine surveyor appointed under order 19 must survey the ship paying particular regard to freedom from conditions that could result in contaminating, wetting or imparting an odour to relevant goods, and, if the marine surveyor is satisfied as to the suitability of the ship to carry the goods, the marine surveyor must furnish to the master of the ship and to an authorised officer a certificate to that effect.

Level 4 penal provision

Division 2 Loading permits

Subdivision A Ships

22 Loading permit to be obtained

- 22.1 Subject to suborder 22.2, a loading permit must be obtained before prescribed goods can be loaded into a ship.
- 22.2 A loading permit is not required if the quantity of the prescribed goods to be loaded is less than 500 tonnes.

23 Application for loading permit

Subject to suborder 22.2, a person who intends to load a ship with prescribed goods must make application to an authorised officer for a loading permit, being an application containing the information specified in order 24 relating to the goods.

24 Information required for loading permit

The following information is required to be given in an application for a loading permit:

- (a) the name of the ship;
- (b) the name and address of the shipowner or shipowner's agent;
- (c) the name and address of the person requesting the loading permit if different from that required under paragraph (b);
- (d) the expected time of arrival of the ship at the port where the ship is to be inspected and the name of that port;
- (e) the loading ports and berths;
- (f) the cargo spaces into which the goods are to be loaded;
- (g) a description of the goods that includes the quantity and whether in bulk, bagged or in another form of packaging, the destination and the proposed time of loading;
- (h) if goods other than prescribed goods (including bags) are to be loaded into the ship with the prescribed goods, a description of the goods (including their mass) and where they can be inspected prior to loading.

25 Issue of loading permit

- 25.1 When an application is made under order 23, an authorised officer must inspect the ship in accordance with procedures specified in Part 1 of Schedule 5 to ensure that:
- (a) the cargo spaces and other parts of the ship, or any cargo already loaded in the ship, are not likely to infest or infect the goods with pests; and
 - (b) no material is present in the cargo spaces or other parts of the ship that is likely to harbour pests.

- 25.2 If:
- (a) the results of the inspection are satisfactory; and
 - (b) in a case where the goods to be loaded are relevant goods within the meaning of Division 1 — the authorised officer has been given a certificate issued by a marine surveyor in accordance with order 21;
- the authorised officer must issue a loading permit, in writing, to the person who made the application.
- 25.3 Subject to suborder 25.4, if the results of the inspection are not satisfactory, the authorised officer must advise the master of the ship that the ship is not to be used for the export of prescribed goods and may order treatment in accordance with Part 1 of Schedule 5 to be carried out.
- 25.4 If, on an inspection, an authorised officer finds live insects of *Trogoderma spp* in any part of a ship, the authorised officer must advise the master of the ship that the ship is not to be used for the export of prescribed goods and may order treatment in accordance with procedures specified in Part 1 of Schedule 5 for the control of *Trogoderma spp*.
- 25.5 Upon receipt of an advice under suborder 25.3 or 25.4, the master of the ship may treat the ship in accordance with the procedures specified in Part 1 of Schedule 5 and may, upon completion of the treatment, request that the ship be reinspected.
- 25.6 If upon subsequent inspection an authorised officer is not satisfied as to the efficacy of the treatment ordered under suborder 25.3 or 25.4, the authorised officer may re-order treatment.

26 Validity of loading permit

A loading permit issued in accordance with order 25 is valid for a period of 28 days after the date upon which it was issued.

27 Suspension or cancellation of loading permit if conditions change after inspection

- 27.1 If an authorised officer has reasonable cause to believe that, since the issue of a loading permit, the conditions on the ship have changed, the authorised officer may suspend the loading permit.
- 27.2 Following that suspension, an authorised officer may inspect the ship and if, having regard to its condition, the authorised officer is satisfied that a condition or restriction applicable to the prescribed goods has not been complied with, the authorised officer must cancel the loading permit.

28 Surrender of loading permit

If a loading permit is suspended or cancelled in accordance with order 27, the person to whom the permit was issued must forthwith surrender the loading permit and any copy of the permit in his or her possession to an authorised officer.

Level 4 penal provision

Order 29

Subdivision B Container system units

29 Permission to load to be obtained

- 29.1 Subject to suborder 29.2, a permission to load must be obtained before prescribed goods can be loaded into a container system unit.
- 29.2 A permission to load is not required if the quantity of the prescribed goods to be loaded is less than 10 tonnes.

30 Application for permission to load

Subject to suborder 29.2, a person who intends to load a container system unit with prescribed goods must apply to an approved inspector for a permission to load.

31 Information required for permission to load

The application for a permission to load must include the following information:

- (a) the name and address of the person requesting the permission to load;
- (b) the number of container system units to be inspected;
- (c) the place at which the container system unit or units are to be inspected;
- (d) the goods to be loaded into the container system unit or units (if known).

32 Issue of permission to load

- 32.1 When an application under order 30 is received, an approved inspector must inspect the container system unit in accordance with procedures specified in Part 2 of Schedule 5 to ensure that:
- (a) the container system unit, or any cargo already loaded into the container system unit, is not likely to infest or infect the goods with pests; and
 - (b) no material is present in the container system unit that is likely to harbour pests; and
 - (c) if the goods are prescribed grain or prescribed goods for consumption — no material is present in the unit that is likely to contaminate them; and
 - (d) in any other case — the unit is not in a condition that could result in the infestation or infection of the goods.
- 32.2 If the results of the inspection are satisfactory, the approved inspector must issue a permission to load, in writing, to the person who lodged the application.

- 32.3 Subject to suborder 32.4, if the results of the inspection are not satisfactory, the approved inspector must advise the person responsible for the container system unit that the unit is not to be used for the export of prescribed goods and may order treatment in accordance with Part 2 of Schedule 5 to be carried out.
- 32.4 If, on an inspection, an approved inspector finds live insects of *Trogoderma spp* in any part of a container system unit, the approved inspector must advise the person responsible for the container system unit that it is not to be used for the export of prescribed goods and may order treatment in accordance with procedures specified in Part 2 of Schedule 5 for the control of *Trogoderma spp*.
- 32.5 Upon receipt of an advice under suborder 32.3 or 32.4, the person responsible for the container system unit may treat it in accordance with the procedures specified in Part 2 of Schedule 5 and may, upon completion of the treatment, request that the container system unit be re-inspected.
- 32.6 If upon subsequent inspection an approved inspector is not satisfied as to the efficacy of the treatment ordered under suborder 32.3 or 32.4, the approved inspector may re-order treatment.

33 Validity of permission to load

A permission to load issued in accordance with order 32 is valid for a period of 28 days after the date upon which it was issued.

34 Cancellation of permission to load if conditions change after inspection

If an authorised officer, or the approved inspector who issued the permission to load, has reasonable cause to believe that, since the issue of the permission to load, the conditions on the container system unit have changed, the authorised officer or the approved inspector may cancel the permission to load.

35 Surrender of permission to load

If a permission to load is cancelled in accordance with order 34, the person to whom the permission to load was issued must forthwith surrender the permission to load and any copy of the permission in his or her possession to an authorised officer or to the approved inspector who issued the permission.

Level 4 penal provision

36 Sealing and identification of empty container system units

An empty container system unit that is inspected and subsequently transferred elsewhere for loading must:

- (a) be sealed after inspection by an approved inspector; and

Order 37

- (b) have applied to it after inspection an inspection sticker to identify it as having been inspected.

37 Loading of container system units in absence of approved inspector

If, in accordance with order 36, a container system unit has been sealed after inspection and the unit is to be loaded at its destination in the absence of an approved inspector, the person responsible for the prescribed goods that are to be loaded into the unit:

- (a) must not accept delivery of the unit unless the seal is intact and the inspection sticker is present; and
- (b) must not remove or obliterate the inspection sticker.

Level 2 penal provision

Division 3 Notice of intention and export permit

38 Application

This Division does not apply to prescribed goods covered by paragraph 3.1 (e), other than nursery stock and cut flowers.

39 Giving of notice

39.1 For the purposes of section 6 of the Act, notice of intention to export prescribed goods must be given to an authorised officer by a person who intends to export the goods:

- (a) in the case of export by ship — not less than 3 clear working days before the date on which it is intended to export the goods; and
- (b) in the case of export by aircraft — in sufficient time to allow the notice of intention to be certified by an authorised officer and the export permit granted before the loading of the aircraft.

39.2 If goods can be inspected in sufficient time to allow the notice of intention to be certified by an authorised officer before the loading of the ship, an authorised officer may waive the 3-day period specified in paragraph 39.1 (a).

40 Form of notice and accompanying information and declaration

The notice of intention to export given in accordance with order 39 and the information and declaration specified in order 41 must:

- (a) be in an approved form; and
- (b) be completed by the exporter or an agent of the exporter in a manner that will enable an authorised officer to identify the goods.

41 Information in notice

- 41.1 When a person gives notice of intention to export prescribed goods in accordance with order 39, the person must, if the information is available and in any case before the grant of an export permit, provide the following information:
- (a) the name and address of the person who intends to export the goods;
 - (b) the name and address of the consignee or the words 'to order';
 - (c) the intended port of loading of the goods;
 - (d) the intended ship and voyage number or airline flight number;
 - (e) the intended date of departure of the ship or aircraft onto which the goods are to be loaded;
 - (f) the intended port of discharge of the goods;
 - (g) if the country of origin of the goods is not Australia, the country of origin;
 - (h) the country of intended final destination of the goods;
 - (i) the place where the goods can be inspected;
 - (j) the date on which the goods can be inspected;
 - (k) in the case of prescribed grain — the date the grain is to be loaded if different from the date of departure of the ship or aircraft and, if the grain is shipped in bulk, the time at which it is to be loaded;
 - (l) if a certificate is to be sought in respect of the goods, the State or Territory in which the application for the certificate will be made;
 - (m) the number allotted to the registered establishment in which processing last occurred;
 - (n) the shipping or other identifying marks relating to the goods;
 - (o) if available, any identification number that appears on a container system unit and, in relation to that unit, an indication of the goods it will contain;
 - (p) the number and kind of packages;
 - (q) a true description of the goods;
 - (r) if the number of packages declared under paragraph (p) is:
 - (i) different from the number of packages passed for export, the number of packages that were passed; or
 - (ii) the same as the number of packages passed for export, the words 'as submitted';
 - (s) the quantity of goods available for inspection;
 - (t) any other information required by the Secretary.
- 41.2 The notice of intention to export must include a declaration by the person giving notice that:
- (a) orders that apply to the goods have been complied with; and
 - (b) the information contained in the notice is true and correct; and
 - (c) any conditions or restrictions imposed by the importing country in relation to the goods have been complied with.

Order 42

42 Exporter to be responsible for goods

The person whose name and address is declared in accordance with paragraph 41.1 (a) is responsible for ensuring that orders that apply to the prescribed goods are complied with from the time the declaration specified in suborder 41.2 is made until the time the goods are exported.

43 Certificates of analysis

43.1 The owner, processor or exporter of prescribed goods, or an agent of any of them, must provide to an authorised officer, at the time of inspection of the goods, such certificates of analysis in respect of the goods as are determined by the Secretary.

43.2 If, in accordance with suborder 43.1, the Secretary permits the analysis of a sample, the analysis must be made in accordance with an approved method.

44 Inspection and certification

When notice of intention to export prescribed goods has been given to an authorised officer in accordance with order 39, an authorised officer may inspect the goods, and, if the officer has reasonable grounds to believe that orders that apply to those goods have been complied with, an authorised officer must:

- (a) certify to this effect on the notice of intention; and
- (b) arrange for any identification number that appears on a container system unit to be entered on the notice of intention if the number is not already on the notice; and
- (c) if an official mark, the design of which is specified in Part 13 of the *Export Control (Prescribed Goods — General) Order 2005*, is applied to a container system unit, arrange for the number of the official mark applied to the unit to be entered on the notice of intention adjacent to the number of that unit.

45 Alteration of notice after certification

45.1 If a notice of intention to export prescribed goods has been certified in accordance with order 44, a person must not alter, add to or delete information contained in that notice except in accordance with suborder 45.2.

Level 2 penal provision

45.2 If a notice of intention in respect of prescribed goods has been certified in accordance with order 44 and any matter (information of which is contained in that notice) changes, the information in the notice relating to that matter may be altered but the person making that alteration must submit it for endorsement by an authorised officer.

Level 2 penal provision

- 45.3 If an alteration made in accordance with suborder 45.2 involves a change to the name and address of the exporter, an authorised officer must not endorse the altered information unless the exporter has provided to the officer a statement, in an approved form, declaring that the requirements of the Act and orders have been complied with and that details of the exporter's name and address contained in the statement are true and correct.

46 Export permit

- 46.1 Part 6 of the *Export Control (Prescribed Goods — General) Order 2005* applies in relation to the grant of an export permit in respect of prescribed goods.
- 46.1A The export of prescribed goods is prohibited unless an export permit for the export of the goods is in force.
- Note* As to the period of validity of permits and the circumstances in which permits may be revoked, see sections 6.04 and 6.05 of the *Export Control (Prescribed Goods — General) Order 2005*.
- 46.2 In exceptional circumstances, the Secretary may permit the issue of a duplicate export permit in relation to prescribed grain after issue of an export permit in accordance with Part 6 of the *Export Control (Prescribed Goods — General) Order 2005*.

Order 47

Part 6 Electronic communications

47 Electronic communications

Note This order is reserved for future use.

Part 7 Certification

48 Certificate as to condition in respect of grain, fresh fruits, fresh vegetables or dried fruits

If an exporter requires a certificate as to the condition of grain, fresh fruits, fresh vegetables, dried fruits or mung beans in respect of which an export permit has been granted, the export permit is taken to be that certificate, except where separate certification is required to meet the requirements of an importing country authority.

49 Certificates and other information

- 49.1 If a certificate is required, an exporter must submit to an authorised officer:
- (a) such information in relation to prescribed goods as the authorised officer requires; and
 - (b) a declaration of where and when the goods may be inspected; and
 - (c) any necessary certificates of analysis.
- 49.2 In relation to all prescribed goods for which a phytosanitary certificate is required, an exporter must, at the time the notice of intention to export is submitted, provide to an authorised officer details of all requirements that are to be certified on the certificate.
- 49.3 In relation to:
- (a) prescribed grain; and
 - (b) other prescribed goods, being seeds, stockfeed and woodchips, for which a phytosanitary certificate is required;
- inspection must be carried out in accordance with the requirements of Schedule 6.
- 49.3A In relation to mung beans, inspection must be carried out in accordance with the requirements of Schedule 6A.
- 49.4 Schedule 7 sets out requirements relating to the issuing of phytosanitary certificates.
- 49.5 A person other than an authorised officer must not issue a phytosanitary certificate or a document purporting to be a phytosanitary certificate.

Level 5 penal provision

50 Goods to be re-inspected

Section 6.09 of the *Export Control (Prescribed Goods — General) Order 2005* applies if an authorised officer considers that prescribed goods should be re-inspected.

Order 51

**Part 8 Transport of certain horticulture
produce****51 Transport of dried fruits**

Dried fruits that have been inspected and passed by an authorised officer as suitable for export must not be transported between registered establishments unless an authorised officer has issued a transfer certificate in an approved form or an export permit in accordance with Part 6 of the *Export Control (Prescribed Goods — General) Order 2005*.

52 Transport of fresh fruits or fresh vegetables

- 52.1 If fresh fruits or fresh vegetables are transported between registered establishments, they must be transported in accordance with orders and instructions from an authorised officer.
- 52.2 If fresh fruits or fresh vegetables are inspected prior to despatch to a central marshalling point where the export permit is to be issued, a transfer certificate and assessment notice for the goods may be issued by an authorised officer.

Part 9 Horticulture produce unsuitable for export

53 Resubmission of rejected goods

When horticulture produce that has been found by an approved inspector to be unsuitable for export is resubmitted for inspection by an approved inspector, the exporter or packer must advise the approved inspector in writing that the goods are being resubmitted for inspection and must:

- (a) indicate the nature of any further preparation, treatment or processing operations that have been undertaken in relation to the produce to render it suitable for export; and
- (b) provide evidence that that further preparation, treatment or processing has resulted in the produce being suitable for export; and
- (c) hold the produce under such conditions of security as are considered necessary by an approved inspector.

54 Segregation of goods

Horticulture produce to which order 53 applies must be dealt with in a manner that clearly distinguishes the produce from goods eligible for export.

Part 10 Approved arrangements

Division 1 Approval of arrangements

55 Application for approval

55.1 A person may apply to the Secretary for approval of an arrangement for the preparation of prescribed goods.

Note By virtue of the definition of 'preparation' in section 3 of the *Export Control Act 1982*, an arrangement can extend to an arrangement relating to the loading of prescribed goods into container system units.

55.2 The arrangement for which approval is sought must:

- (a) accompany the application; or
- (b) be made available for evaluation by the Secretary.

56 Assessment of application and Secretary's decision

56.1 For the purposes of assessing the application, the Secretary must:

- (a) evaluate the arrangement in a desk audit; and
- (b) conduct an inspection of the establishment, facilities, equipment and services to be used in the operations.

56.2 The Secretary may in order to consider the application request any of the following that the Secretary reasonably requires:

- (a) further information or documents of the kind specified by the Secretary;
- (b) a demonstration of the operations and procedures to be followed;
- (c) the applicant's consent to the use (at the applicant's expense) of an appropriately qualified person nominated by the Secretary in any inspection, evaluation or demonstration.

56.3 A decision must be made on whether to approve the arrangement within 60 days after the day the application is given to the Secretary.

56.4 If the Secretary gives the applicant a notice in writing making a request in relation to any matter referred to in suborder 56.2, the period in suborder 56.3 does not include any period between giving the notice and the applicant meeting the request.

57 When the Secretary may approve the arrangement

The Secretary may, by notice in writing given to the applicant, approve the arrangement if the Secretary is satisfied that:

- (a) the arrangement covers each step of the preparation of prescribed goods relevant to the applicant; and
- (b) the arrangement contains a Hazard Analysis and Critical Control Point (HACCP) plan or equivalent; and

- (c) the arrangement documents the controls used to ensure that the applicable requirements of these Orders are complied with; and
- (d) the arrangement identifies the applicable importing country requirements and documents the controls used to ensure compliance with those requirements; and
- (e) the arrangement documents any other measures necessary to ensure that there is a sound basis for giving any export permit or issuing any certificate in respect of prescribed goods; and
- (f) compliance with the controls specified in the arrangement will ensure that:
 - (i) the requirements of these Orders will be complied with; and
 - (ii) the applicable importing country requirements will be complied with; and
 - (iii) there is a sound basis for giving any export permit or issuing any certificate in respect of prescribed goods.

58 Notice of decision not to approve an arrangement

58.1 If the Secretary decides not to approve an arrangement, the Secretary must give the applicant notice in writing of the decision.

58.2 The notice must:

- (a) set out the reason for the decision; and
- (b) tell the applicant of his or her right to apply for reconsideration of the decision.

Note For reconsideration and review of the Secretary's decision, see Part 16 of the *Export Control (Prescribed Goods — General) Order 2005*.

59 Approved arrangement may be subject to conditions

59.1 The Secretary may:

- (a) approve an arrangement subject to conditions specified in the notice of approval; and
- (b) by notice in writing given to the holder of the approval impose new conditions or vary or revoke the conditions.

59.2 The conditions must be for the purpose of ensuring compliance with the matters specified in paragraph 57 (f).

Division 2 Variation of approved arrangement

60 Variations to be recorded

The holder of the approval must make a record of each variation of an approved arrangement.

Order 61

61 Variations requiring notification and approval

- 61.1 If a proposed variation (or a proposed variation in combination with other variations) to an arrangement has the potential to adversely affect:
- (a) the likelihood of compliance with the requirements of these Orders or an applicable importing country requirement; or
 - (b) the integrity of prescribed goods; or
 - (c) an accurate assessment being made as to whether:
 - (i) there is compliance with requirements of these Orders or an applicable importing country requirement; or
 - (ii) the integrity of prescribed goods is assured;
- the variation must not be implemented unless:
- (d) the holder of the approval has applied in writing to the Secretary for approval to vary the arrangement; and
 - (e) the Secretary gives the holder a notice in writing approving the variation.
- 61.2 If a proposed variation to an approved arrangement as it identifies persons in management and control or their functions (including as it designates persons who may make declarations or possess, alter, interfere with or apply an official mark) under these Orders, must not be implemented unless:
- (a) the holder of the approval has applied in writing to the Secretary for approval to vary the arrangement; and
 - (b) the Secretary gives the holder a notice in writing approving the variation.

62 Variations required by the Secretary

- 62.1 The Secretary may give the holder of the approval a notice in writing requiring the holder to submit a variation of an approved arrangement if:
- (a) circumstances relating to the preparation of prescribed goods have changed; or
 - (b) the Secretary is not satisfied that compliance with the controls specified in the approved arrangement for the preparation of prescribed goods will ensure that the matters specified in paragraph 57 (f) are complied with; or
 - (c) an applicable importing country authority requirement has changed; or
 - (d) the holder ceases to be the person in charge of the preparation of prescribed goods.
- 62.2 The notice must:
- (a) specify the variation required; and
 - (b) specify the period within which the variation must be submitted to the Secretary.
- 62.3 The Secretary may give the holder of the approval a notice approving the variation submitted.

- 62.4 The holder of an approval who is given a notice under suborder 62.1 must not fail to submit the variation specified in the notice within the period specified.

63 When an arrangement includes a variation

- 63.1 An approved arrangement includes a variation to the arrangement.
- 63.2 If a variation is of a kind referred to in suborder 61.1, 61.2 or 62.1, then the approved arrangement includes the variation only if the Secretary has given a notice approving the variation in accordance with paragraph 61.1 (e), 61.2 (b) or 62.3 (as the case may be).

Division 3 Suspension and revocation

64 Grounds for suspension or revocation

- 64.1 The Secretary may, by giving the holder of the approval a notice in writing, suspend or revoke the approval of an arrangement if:
- (a) in the case of an approval relating to the preparation of prescribed goods at an establishment — the registration of the establishment is revoked; or
 - (b) in the case of any approval — there are reasonable grounds to believe that:
 - (i) either of the following has not been complied with by the holder of the approval:
 - (A) a requirement of these Orders;
 - (B) the approved arrangement or a condition of that arrangement (including an importing country requirement identified in that arrangement); or
 - (ii) compliance with the controls specified in the approved arrangement is unreliable or not effective in ensuring that the matters specified in paragraph 57 (f) are met; or
 - (iii) the holder or any other person in management or control of operations has, in an application or other document given to the Secretary or in a document or information that must under a requirement of these Orders or the approved arrangement or a condition of that arrangement be made or given, made a statement:
 - (A) that is false, misleading, or incomplete; or
 - (B) for which there is no sound basis for making the statement; or
 - (iv) the holder has failed to provide such assistance to an authorised officer as is reasonably necessary to enable the officer to perform an audit of operations for the preparation of prescribed goods; or
 - (v) the holder fails to make available to an authorised officer a document that, under a requirement of these Orders or the approved arrangement or a condition of that arrangement, the holder is required to retain; or

Order 65

- (vi) the holder of the approval ceases to be the person in charge of the operations for the preparation of prescribed goods.

64.2 The Secretary may, by giving the holder of the approval a notice in writing, suspend or revoke the approval of an arrangement at the request of the holder.

64.3 The suspension or revocation of the approval of the arrangement may be:

- (a) in full; or
- (b) in part, in respect of:
 - (i) one or more prescribed goods; or
 - (ii) one or more of the stages of preparation of the goods.

65 Notice of suspension or revocation

65.1 If the Secretary has suspended or revoked the approval of an arrangement, the Secretary must notify the holder of the approval in writing of:

- (a) the reason for the suspension or revocation; and
- (b) the holder's right to apply for reconsideration of the decision to suspend or revoke; and
- (c) if the approval has been suspended — the period of the suspension.

Note For reconsideration and review of the Secretary's decision, see Part 16 of the *Export Control (Prescribed Goods — General) Order 2005*.

65.2 A period of suspension must not exceed 12 months and may be extended only if the total period does not exceed 12 months.

66 Revocation of suspended arrangement

66.1 The Secretary may revoke an approval of an arrangement that is suspended despite the fact that the period of suspension has not expired.

66.2 The Secretary may revoke an arrangement that is suspended on grounds that are the same as or similar to the grounds for the suspension.

67 Termination

The holder of the approval may terminate the holder's approved arrangement:

- (a) in full; or
 - (b) in part, in respect of:
 - (i) one or more prescribed goods; or
 - (ii) one or more of the stages of preparation of the goods,
- by giving the Secretary 7 days' advance notice in writing of the termination.

68 Secretary may require action to be taken

68.1 If the approval of an arrangement (or part of an arrangement):

- (a) is suspended or revoked; or

- (b) is terminated;
the Secretary may, by giving the holder of the approval a notice, require the holder to take action within the period specified in the notice in respect of any of the following that are held by the holder:
- (c) any official marks; or
- (d) any documents or thing the Secretary has issued or given to the holder under these Orders.

68.2 The holder of an approval who is given a notice under suborder 68.1 must take the action specified in the notice within the period specified.

69 Action in relation to prescribed goods

- 69.1 If the approval of an arrangement (or part of an arrangement):
- (a) is suspended or revoked; or
 - (b) is terminated;
- the Secretary may, by giving the holder of the approval a notice, require the holder to take action within the period specified in the notice in respect of prescribed goods.
- 69.2 A holder of an approval who is given a notice under suborder 69.1 must take the action specified in the notice within the period specified.

70 When an approved arrangement ceases to have effect

- 70.1 An approval of an arrangement (or a part of an arrangement) ceases to have effect if the approval of the arrangement (or that part of the arrangement) is revoked or terminated.
- 70.2 An approval of an arrangement (or a part of an arrangement) ceases to have effect for the period of its suspension.

Division 4 Audit

71 Secretary may require audits

The conditions upon which an arrangement is approved may include conditions relating to the auditing by an authorised officer of operations for the preparation of prescribed goods in order to ensure compliance with these Orders and the approved arrangement.

Order 72

Part 11 Repeal and transitional**72 Repeal of orders**

The following orders are repealed:

Grain, Plants and Plant Products Orders (Orders No. 6 of 1985, as amended);

Export Control (Dried Fruits) Orders (Orders No. 12 of 1987, as amended);

Export Control (Fresh Fruits and Vegetables) Orders (Orders No. 9 of 1987, as amended);

any orders that amended any of the above orders.

73 Transitional

Despite the repeals effected by order 72, any instrument in force or any approval given under orders referred to in that order remains in force according to its tenor as if it had been made, issued or given under these Orders.

Schedule 1 Marine surveyors' qualifications

(definition of *marine surveyor* in order 4)

The qualifications for a marine surveyor are:

- (a) he or she must hold a Certificate of Competency as Master Class 1 (Unrestricted) or its current equivalent;
- (b) he or she must have inspected at least 10 ships for suitability to carry prescribed grain or prescribed goods for consumption over a maximum period of 2 years while in the company of a marine surveyor having the qualifications referred to in paragraph (a); and
- (c) in the 3 years prior to the proposed survey, he or she must have surveyed at least 10 ships for suitability to carry prescribed grain or prescribed goods for consumption.

Schedule 2 Requirements for registered establishments for prescribed goods other than dried fruits

(order 7.1)

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Part 1 General

1 Application for registration

An application for registration must be completed and returned to the authorised officer in charge of inspecting prescribed goods in the State or Territory in which the establishment is located together with plans and specifications of the establishment.

2 Requirements for plans and specifications

- 2.1 For the purposes of registration, plans or diagrams giving the general structural and operational layout of the establishment must be provided.
- 2.2 Plans submitted under clause 1 must show all major dimensions and the scale and must include details of inspection facilities and any amenities required under subclauses 8.1 and 9.1.
- 2.3 Plans must be sufficiently detailed to allow evaluation of the establishment in accordance with this Schedule and must include:
 - (a) a locality map showing the site in relation to the local area; and
 - (b) a site plan showing all salient features of the site and adjoining sites including location of the establishment; and
 - (c) a general floor plan; and
 - (d) elevations of all buildings comprising the establishment; and
 - (e) a floor plan of processing areas, showing all permanent fixtures and layout of equipment; and
 - (f) a product flow chart, and main features of product flow and details of the types of products to be handled.

3 Alterations, extensions and rearrangements to establishments

Notice of changes to a registered establishment that may result in residual infestation problems or that may affect sampling and inspection of prescribed goods must be submitted in accordance with clause 1.

4 General servicing requirements

Provision must be made for the disposal of all waste material, including liquids and solids, from a registered establishment in an efficient and hygienic manner.

5 Operational conditions

The operator of a registered establishment must maintain the establishment in a hygienic condition to control pests, including vermin, and have a defined program of hygiene and pest control.

Part 2 Bulk commodity terminals

6 Interpretation

In this Part, *registered establishment* means a registered establishment that has a capacity to load commodities at a rate greater than 400 tonnes per hour on to ships.

7 Bulk loading facilities

7.1 The occupier of a registered establishment must keep records of cleaning and pest control measures in sufficient detail to enable an authorised officer to monitor the effectiveness of pest control measures.

7.2 Records must be kept as follows:

- (a) hygiene control records must be available of all non-routine cleaning work carried out to facilitate the control of infestations which present a risk to prescribed goods, recording:
 - (i) the areas and particular system components involved; and
 - (ii) the dates on which work was carried out;
- (b) for prescribed grain treatment, pest control records must be available for all non-routine pest control measures carried out in conjunction with paragraph (a), recording:
 - (i) the identity and location of particular lots of the grain treated; and
 - (ii) the dates on which treatment was carried out; and
 - (iii) the standard chemical name, formulation and per cent active ingredient of all chemical sprays used; and
 - (iv) the standard chemical name and dosage of all fumigants used;
- (c) if structural treatment is undertaken, records must be kept for all non-routine pest control measures recording:
 - (i) the areas involved; and
 - (ii) the dates on which work was carried out; and
 - (iii) the standard chemical name, formulation and per cent active ingredient of all chemical sprays used; and
 - (iv) the standard chemical name, formulation and per cent active ingredient of all biocidal baits and tracking powders used;
- (d) details of any other non-routine pest control measures not referred to in paragraphs (b) and (c) must also be available.

7.3 The occupier of a registered establishment must keep records of receipts and loadings, and make them available to an approved inspector.

8 Facilities for drawing and inspecting samples

8.1 The occupier of a registered establishment must provide the following facilities for safe and effective inspection:

- (a) an automatic sampling system of demonstrated reliability that will deliver to a sampling room a sample of the goods from every goods

Schedule 2	Requirements for registered establishments for prescribed goods other than dried fruits
Part 3	Export packing facilities for goods other than fresh fruits or fresh vegetables

flow path going separately to the ship at the rate of 400 tonnes per hour or more; and

- (b) an appropriate screening system for removal of large contaminants; and
- (c) a sampling room that:
 - (i) complies with relevant State, Territory and Commonwealth occupational health and safety requirements and meets relevant Australian standards for health and safety in the workplace, particularly with respect to noise levels and dust, lighting for prolonged inspection activities and thermal comfort; and
 - (ii) is approximately 9 m² for one sampling point plus 4 m² for every extra point; and
 - (iii) has power, load indicators showing the rate of flow past sampling points, a telephone to the control room or other means of directing the stopping of the loading belt, and an outside telephone.

8.2 The occupier of a registered establishment must provide the following facilities for safe and effective inspection at grain handling facilities and other establishments handling bulk goods requiring inspection at rates of 400 tonnes per hour or less onto ships or into container system units:

- (a) provision for collection of samples in a safe and effective manner;
- (b) if required by the Secretary — an automatic sampling system.

9 Staff amenities

9.1 Facilities which meet the following guidelines must be made available for authorised officers:

- (a) access to appropriate and adequate toilet facilities, adjacent to work areas where possible;
- (b) access to a suitable office area of approximately 9 m² with an additional 4 m² for each extra officer, equipped with a locker, desk, chair, lockable filing cabinet and telephone if these facilities are not provided in a sampling room.

9.2 Plans of such facilities must be submitted for approval in accordance with clause 1.

9.3 The office area must comply with relevant occupational health and safety requirements.

Part 3 Export packing facilities for goods other than fresh fruits or fresh vegetables

10 Interpretation and application

10.1 In this Part, *registered establishment* means a registered establishment that is a container packing facility for packing goods to which this Part applies.

10.2 This Part applies to goods covered by this Schedule (see suborder 7.1) other than fresh fruits and fresh vegetables.

11 Container packing facilities

The occupier of a registered establishment must:

- (a) keep records of cleaning and pest control measures in sufficient detail to enable an approved inspector to monitor the effectiveness of pest control measures; and
- (b) keep records of receivals and loadings, and make them available to an approved inspector; and
- (c) provide facilities for safe and effective inspection, including adequate light source equal to 600 lux; and
- (d) provide access to an appropriate point of the flow path of the goods; and
- (e) provide access to toilet and office facilities; and
- (f) for goods being loaded from a bulk commodity handling system into container system units — provide access to an appropriate point of the flow path of the goods.

Part 4 Small export packing facilities

12 Interpretation

In this Part, *registered establishment* means a registered establishment that is a packing facility other than a facility referred to in Part 2 or 3.

13 Small facility

The occupier of a registered establishment must:

- (a) keep records of cleaning and pest control measures in sufficient detail to enable an authorised officer to monitor the effectiveness of pest control measures; and
- (b) provide facilities for safe and effective inspection, including adequate light source equal to 600 lux; and
- (c) provide access to toilet and office facilities.

Schedule 2	Requirements for registered establishments for prescribed goods other than dried fruits
Part 5	Structural, operational and hygiene requirements for establishments preparing fresh fruits or vegetables

Part 5 Structural, operational and hygiene requirements for establishments preparing fresh fruits or vegetables

Division 1 Structural requirements

14 General design and construction

An establishment in which fresh fruits or fresh vegetables are prepared or inspected for export must be designed and constructed to allow all operations for which the establishment may be registered to be carried out efficiently, effectively and hygienically and, as appropriate, the design and construction must:

- (a) provide adequate lighting for the operations of inspection, sorting, grading and packing; and
- (b) provide adequate ventilation where post-harvest treatments are carried out; and
- (c) allow effective cleaning of floors and surrounds in the product handling areas; and
- (d) minimise harbourage for pests or diseases, or contamination of the produce during preparation; and
- (e) allow effective cleaning of plant and equipment used in the preparation or handling of the goods; and
- (f) provide handwashing and toilet facilities.

15 Preparation equipment requirements

Equipment provided for the fumigation of fresh fruits or fresh vegetables must be constructed, tested, maintained and operated in accordance with applicable local government, State, Territory and Commonwealth regulations.

16 General inspection facilities

The occupier of the establishment must, unless otherwise agreed by the Secretary, provide suitable facilities for inspection including:

- (a) an inspection area located in a position where produce can be examined in good natural light or, if it is not possible to provide such an area, in suitable artificial lighting providing illumination of 600 lux; and
- (b) suitable inspection tables or benches and accurate scales; and
- (c) equipment for:
 - (i) taking samples and sample packages; and
 - (ii) general handling, opening, repacking and closing of packages;
- (d) when required, access to a desk and chair; and
- (e) access to a telephone.

Division 2 Operational and hygiene requirements

17 Operation generally

A registered establishment in which fresh fruits or fresh vegetables are prepared or inspected must be equipped and operated in a manner which permits effective pest control and hygienic conditions to be maintained at the establishment.

18 Cleaning of establishment

The establishment must be cleaned thoroughly prior to the main intake of produce each year in a manner appropriate to the nature of the operation or operations to be carried on at the establishment and at such other times as the Secretary may consider necessary.

19 Cleaning equipment

All machinery, equipment and surrounding floor area must be thoroughly cleaned of all waste material and debris:

- (a) if one kind of fruit or vegetable only is being prepared — at intervals not exceeding one week, or at such other times as an approved inspector considers necessary; or
- (b) immediately after the preparation and packing of one kind of fruit or vegetable has been completed and before any other type of produce is passed through the machinery.

20 Removal of waste

Fruit and vegetable debris and waste and screenings (other than that put aside for further preparation) must be removed from areas where produce is prepared each day and removed from the establishment each week.

21 Storage and handling of sources of contamination

Any material or produce likely to contaminate, infest or provide a source of infestation of fresh fruits or fresh vegetables must not be stored or handled in a building or area used for their preparation or storage or in any area likely to create a source of contamination.

22 Storage of toxic substances

- 22.1 Rodenticides, fumigants, fungicides, insecticides or other toxic substances must be stored in a manner which will prevent contamination of fresh fruits or fresh vegetables or anything that may come into contact with them.
- 22.2 Toxic substances and other substances which may contaminate fresh fruits or fresh vegetables must not be stored in an area or a building where fresh fruits or fresh vegetables are handled or stored.

Schedule 2	Requirements for registered establishments for prescribed goods other than dried fruits
Part 5	Structural, operational and hygiene requirements for establishments preparing fresh fruits or vegetables

23 Animals excluded from premises

Animals (including birds and rodents) must not be present in the areas of the establishment where preparation of fresh fruits or fresh vegetables takes place.

24 Personal hygiene

24.1 A person who:

- (a) is suffering from a communicable disease; or
 - (b) is a carrier of a communicable disease; or
 - (c) may transmit pathogenic organisms to fresh fruits or fresh vegetables;
- must not enter any registered establishment used for the preparation of fresh fruits or fresh vegetables.

24.2 All persons handling fresh fruits or fresh vegetables must maintain a high degree of personal cleanliness.

25 Handwashing facilities

Handwashing facilities and toilet facilities must be kept in a clean and sanitary condition at all times.

Schedule 3 Requirements for registered establishments for dried fruits

(order 7.2)

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Part 1 Construction requirements

1 Siting of establishment

An establishment in which dried fruits are intended to be prepared must be sited so that any adjacent or adjoining buildings, activities and land use do not present a source of:

- (a) interference with, or potential contamination of, the hygienic operation of the establishment; or
- (b) cross infestation to the dried fruits.

2 Maintenance and services

- 2.1 Access ways to buildings at the establishment must be paved, graded and drained.
- 2.2 Building surrounds must be maintained in a manner that will prevent infestation and contamination of the dried fruits.
- 2.3 Provision must be made for the efficient and hygienic disposal of:
 - (a) all liquid and solid waste from the establishment; and
 - (b) stormwater; and
 - (c) sewage.

3 General building requirements

- 3.1 A building that is to be used or is used for the receipt, processing, packing or storage of dried fruit must be designed and constructed to effectively restrict the:
 - (a) entry and harbourage of pests; and
 - (b) entry of environmental contaminants.
- 3.2 Areas of an establishment in which dried fruits are handled or processed must be designed and constructed to:
 - (a) allow the hygienic handling of dried fruits; and
 - (b) separate operations that may cause cross contamination of the dried fruits; and
 - (c) provide separate storage for unprocessed fruit, processed dried fruits and inedible material; and
 - (d) protect dried fruits from contamination; and
 - (e) prevent deterioration of dried fruits by exposure.
- 3.3 All parts of an establishment must be easily accessible for inspection and effective cleaning.

4 Internal walls and partitions

The finished surfaces of internal walls, ceilings or machinery must not come into contact with dried fruit unless the surface of the wall, ceiling or machinery is:

- (a) non-toxic; and
- (b) capable of withstanding:
 - (i) hosing with hot water and detergents; and
 - (ii) a reasonable degree of impact.

5 Doors, hatches and windows

All external doors, windows and ventilation openings must be effectively proofed against the entry of pests and dust.

6 Ceilings and underside of roofs

Ceilings and the underside of roofs must be constructed to minimise the accumulation of dirt, condensation, mould development and flaking.

7 Floors

7.1 Floors of an establishment must:

- (a) be evenly graded towards drainage outlets; and
- (b) be constructed of dense waterproof concrete or any other impact resistant impervious substance that permits:
 - (i) effective cleaning; and
 - (ii) in fumigation areas, effective fumigation of dried fruits.

7.2 Floor joints in areas where dried fruits are processed must be sealed with impervious materials and be finished flush with the floor surface.

8 Drainage

8.1 Floor drains must be adequate in size, number and location to allow the maximum flow of water under usual working conditions.

8.2 All drains at the establishment must:

- (a) be effectively sealed by a water trap; and
- (b) except in the case of open drains, be adequately vented to the exterior of the establishment; and
- (c) have adequate access for cleaning; and
- (d) be adequately covered to stop any safety or hygiene hazard.

8.3 Septic tanks at the establishment must be:

- (a) located in a place that does not present a hygiene hazard to dried fruits or fruit from which dried fruits are prepared; and
- (b) away from any processing or storage area, or entrance to the establishment.

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- 8.4 Waste water from processing areas and equipment must be disposed of by direct discharge in the establishment's drainage system.
- 8.5 Save-all or waste traps must not be located in a place that may cause a hygiene hazard to dried fruits.

9 Sanitary drainage

Sanitary drainage:

- (a) must not be connected with any other drains within the establishment; and
- (b) must be directed to a septic tank or sewerage system.

10 Stormwater drainage

If a stormwater drainage system is connected to the effluent treatment system at an establishment, it must be designed and maintained to ensure flooding is unlikely to occur.

11 Lighting

- 11.1 The lighting in each area of an establishment must be suitable for the function carried out in that area, and in areas used for sorting or inspection must provide a minimum illumination of 600 lx.
- 11.2 The light produced must not distort colours, and must be arranged in a manner that ensures that shadow free lighting that is equivalent to day-light is available at inspection points.
- 11.3 Light fittings must be of an approved type or equipped with a cover or other suitable means that will prevent contamination of dried fruits from broken lights.

12 Stairs, platforms, stands, etc

Stairs, catwalks, stands, platforms, ladders located in areas of an establishment where processing of dried fruits takes place must be:

- (a) made of materials that are impervious, non-slip, impact resistant and able to be effectively cleaned; and
- (b) situated and constructed so that dried fruit are not contaminated by particles falling from them into dried fruits or dried fruits processing equipment.

13 Ventilation

Adequate ventilation must be provided in all processing areas and where fumigants are used, to remove contaminated air, prevent condensation build up, and to maintain reasonable and safe working conditions.

14 Storage of materials and equipment

An establishment must have a separate area for the storage of:

- (a) cleaning materials and equipment; and
- (b) rodenticides, fumigants, insecticides and other toxic substances; and
- (c) any other material that may contaminate or be a source of infestation of dried fruit.

15 Storage of waste

An establishment must have adequate facilities for the storage of waste and material not fit for human consumption.

16 Packaging materials storage

Areas of an establishment used for the storage of cartons, wrapping materials and empty dried fruit containers must be separate from areas used for the storage of cleaning compounds, other chemicals and unprocessed dried fruits.

17 Storage racks and shelving

Storage racks and shelving in an establishment must be designed and constructed from suitable materials which will:

- (a) minimise deterioration of these racks or shelving; and
- (b) allow effective cleaning of the racks and shelving, and be suitable for the safe storage of dried fruits.

18 Refrigeration facilities

18.1 Internal walls of refrigerated rooms at establishments must have:

- (a) a smooth impervious finish; and
- (b) coved joints at the floor-to-wall intersections and the wall-to-wall intersections.

18.2 Prefabricated walls of refrigeration rooms at establishments must have:

- (a) internal panel linings that adhere directly to the insulating material to form an integral wall section; and
- (b) tight fitting and waterproof edges on all joining moulds.

19 Equipment and utensils

19.1 Equipment and utensils used in an establishment must be designed, constructed, installed, operated and maintained in a manner that will prevent hygiene hazards and permit easy and thorough cleaning.

19.2 Surfaces over which dried fruit pass must be kept clean and free of debris, residues and other potential contaminants.

20 Thermometers

- 20.1 Any thermometer used in the establishment must be of a size and design that permits the division to be read easily to 1°C and located in such a position that allows it to be easily read.
- 20.2 Any thermometer constructed of glass that is located in an area where processing of dried fruits takes place must be protected against breakage.

21 Dehydration equipment

The dehydration equipment must be:

- (a) designed and constructed of materials that may be cleaned effectively and that will not contaminate dried fruits or fruit from which dried fruits are derived; and
- (b) located in a manner to enable effective cleaning of adjoining areas.

22 Steam

Steam or any other heating medium used in an establishment must not contain substances that may be hazardous to health or contaminate fruit.

23 Compressed air

Compressed air that comes into direct contact with fruit from which dried fruits are prepared must:

- (a) not contain oil or other substances that are hazardous to health; and
- (b) be generated by a machine that has a filtered air intake that is located in a clean place.

24 Water supply

A registered establishment must be connected to, or maintain a supply of water that is:

- (a) of adequate pressure; and
- (b) of suitable temperature; and
- (c) distributed to all areas of the establishment; and
- (d) protected against contamination.

25 Water quality

- 25.1 Except where permitted by subclause 25.2 potable water must be used in a registered establishment.
- 25.2 Water that is not potable water may be used for steam production, refrigeration, fire control and other purposes where the water does not come into direct contact with fruit.

26 Water reticulation

The water reticulation system at a registered establishment must have:

- (a) no cross connection between potable and non-potable water reticulation system; and
- (b) non-return devices installed, where necessary to prevent back-siphonage into the reticulation systems; and
- (c) no deadends; and
- (d) non-potable water outlets clearly identified.

27 Water treatment

The occupier of a registered establishment must not treat water at the establishment other than by chlorination, ozone or ultraviolet treatment.

28 Reuse of potable water

Potable water that is re-used as a source of in-feed water during the preparation of dried fruits must:

- (a) be chlorinated so that the level of free residual chlorine is not less than 1.0 ppm sampled at any point within the system; and
- (b) be filtered before re-use.

29 In-plant storage tanks

In-plant water storage tanks at an establishment must be covered in a manner that will prevent the entry of pests and contaminants.

30 Protective clothing racks

If appropriate, racks for protective clothing must be provided within or adjacent to the processing area.

31 Equipment and utensil washing

Facilities must be provided at a registered establishment for the washing of movable equipment, utensils, product containers, protective clothing and similar items.

32 Hose points

An establishment must have sufficient hose points with suitable hose racks constructed of rust resistant material.

33 Handwashing facilities

- 33.1 Handbasins and notices stating that personnel must wash their hands before handling dried fruits or fruit from which dried fruits are to be prepared must be provided at accessible locations throughout processing areas of an establishment.

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- 33.2 Handwashing facilities must be:
- (a) located adjacent to entrances through which persons enter areas in which processing of dried fruits takes place at an establishment; and
 - (b) sufficient in number to enable all persons to wash their hands immediately on entering the processing area.
- 33.3 Handbasins must be supplied with:
- (a) hot and cold water, or a controlled warm water supply; and
 - (b) a dispenser containing an approved liquid soap; and
 - (c) a dispenser containing paper towels and a method for the disposal of used paper towels, or another means of single use hand drying.

34 Processing equipment

- 34.1 When an establishment is to be used for the processing and packaging of dried fruits, machinery capable of detecting and removing foreign material from the fruit during processing and packaging must be provided.
- 34.2 Except where otherwise approved by the Secretary, each processing line along which packed and processed dried fruits pass must incorporate an electrically operated metal detector that has an accuracy sufficient to warn, either by:
- (a) a signal indicating the presence of an object to the size of a 5 millimetre metal ball; or
 - (b) automatic removal of an object to the size of a 5 millimetre metal ball.
- 34.3 Equipment must be provided at an establishment suitable for the removal and collection of dust and screenings from the dried fruits during processing.
- 34.4 An establishment at which dried fruits are to be prepared must have suitable facilities (or access to these facilities) for analysis of dried fruits and records of any analysis must be maintained at the establishment.
- 34.5 Equipment for the fumigation of dried fruits must be constructed, tested, maintained and operated in accordance with relevant local government, State, Territory and Commonwealth regulations.

35 Inspection facilities

When dried fruits are to be inspected at an establishment, an inspection area adjacent to the processing or storage area that is free of steam, obnoxious fumes, excessive noise and dust must be provided for the exclusive use of approved inspectors and must have:

- (a) lighting of at least 600 lx that is equivalent to daylight; and
- (b) a table or bench:
 - (i) of not less than 1.5 metres in length by one metre in breadth; and
 - (ii) that is surfaced with white plastic coated board or other impervious material; and

- (iii) constructed to permit the quick return of the dried fruits to the container from which the fruit was removed; and
- (c) access to a hand basin; and
- (d) access to a desk, chair and, when required, telephone under conditions of reasonable privacy.

36 Staff amenities

- 36.1 Change rooms and separate toilet rooms must be provided for all persons employed at an establishment in the handling and processing of dried fruits.
- 36.2 The entrance to toilet rooms from areas where dried fruits are prepared must be through:
 - (a) an intervening change room; or
 - (b) an air lock that is vented to external air.
- 36.3 Handwashing basins must be provided in each toilet room in accordance with clause 33.

37 Loading docks

An establishment must have a loading dock that is:

- (a) located in an area that is convenient to the storage area; and
- (b) enclosed or provided with an awning to protect the dried fruits during loading and unloading.

38 Dried fruits store

A building used as a store for dried fruits or fruit from which dried fruits are to be prepared must be of sound construction and designed and maintained in a manner that:

- (a) prevents the entry of pests and other contaminants; and
- (b) allows the store to be cleaned effectively.

39 Container depots and terminals

- 39.1 Roads, access ways and storage areas for container system units at a container depot or terminal must be adequately sealed and drained.
- 39.2 A container depot or terminal must be equipped with:
 - (a) cleaning facilities for container system units or access to such facilities; and
 - (b) an area with a desk, chair and telephone that may be used by an authorised officer in reasonable privacy.

Part 2 Operation requirements

40 Condition of establishment

The occupier of an establishment must maintain the establishment, its surrounds, and fittings and equipment at the establishment in a hygienic condition.

41 Records to be maintained

The occupier of the establishment must maintain records of all control checks and corrective action taken, and must ensure that the records are readily accessible to an authorised officer.

42 Cleaning of establishment and equipment

- 42.1 The establishment must be thoroughly cleaned and the walls sprayed each year with an approved insecticide that is suitable for use in food preparation areas, immediately prior to the main intake of fruit from which dried fruits are prepared and at any other time that an authorised officer directs.
- 42.2 Fruit debris, waste and screenings that are not to be further processed must be removed:
- (a) unless otherwise approved by an authorised officer, at least once a day from the building used for processing or packing dried fruits; and
 - (b) at least once a week from the establishment.
- 42.3 Immediately before the commencement of each packing season and at any other time that an authorised officer directs, all second-hand hessians, plastic sheets, sweat boxes, bulk bins, drying trays and packing boxes must have all fruit and debris cleaned from the surface of them and must be treated in accordance with directions of an authorised officer.
- 42.4 Machinery, equipment and the surrounding floor area must be thoroughly cleaned of all dried fruit and debris:
- (a) if only one kind of dried fruit is processed and packed at the establishment — at intervals not exceeding one week, or at such other times as an authorised officer directs; or
 - (b) if two or more kinds of dried fruits are processed and packed at the establishment — immediately after the processing and packing of one kind of dried fruits has been completed; or
 - (c) if more than three days has elapsed since processing or packing ceased — prior to the commencement of processing or packing of dried fruits.

43 Storage of toxic substances

- 43.1 Toxic substances must:
- (a) not be stored in an area of a building where dried fruits are prepared; and
 - (b) be stored and used in a manner that does not contaminate dried fruits.

43.2 Material that may be a source of contamination or cause infestation of dried fruits must not be stored or handled in a building used for the processing, packing or storage of the dried fruits.

44 Animals excluded from premises

Animals must be excluded at all times from the areas of the establishment where preparation of dried fruits takes place.

45 Glass

Glass, other than glass containers that are to be used for packaging of dried fruits must not be permitted in the processing areas of the establishment.

46 Handwashing facilities

Handwashing facilities and toilets at the establishment must be kept in a sanitary condition at all times.

47 Protection of dried fruits from contamination and pests

Dried fruits, fruit from which dried fruits are to be prepared and packaging materials must be stored under hygienic conditions and protected from contamination, rodent and insect infestation and any other deterioration.

48 Storage of dried fruits

48.1 Processed and unprocessed dried fruit, fresh fruits and packaging materials that are not stored under refrigeration must be:

- (a) if a solid impenetrable wall does not exist between them — separated by at least three metres; and
- (b) if such a wall does exist between them — 500 millimetres from the wall.

48.2 An effective insect barrier must be laid around all unprocessed dried fruits that are not stored under refrigeration.

49 Spraying or fogging of establishment

An establishment must be sprayed or fogged with an approved insecticide and effective insect barriers that must be laid at least once each week during the period 1 September to 31 May (inclusive) and at any other time that an authorised officer directs.

50 Clothing of persons in establishment

50.1 All persons in the processing areas of an establishment must be attired in clean clothing.

50.2 Adequate protective clothing (including hats, hairnets, footwear, coats, aprons and gloves) must be worn where necessary to protect dried fruits from contamination.

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- 50.3 Persons in food processing areas must, if appropriate, wear hairnets, caps or other effective hair restraints.
- 50.4 Gloves used for handling dried fruits must be:
- (a) maintained in a sound, clean and sanitary condition; and
 - (b) made from an impermeable material.
- 50.5 Protective clothing used in the establishment must not be worn outside the establishment.

51 Personal hygiene and conduct

- 51.1 A person who:
- (a) is suffering from a communicable disease;
 - (b) is a carrier of a communicable disease;
 - (c) is suffering from a condition causing a discharge of pus or serum from any part of the head, neck, hands or arms; or
 - (d) has reason to believe or suspect that there is a likelihood of transmitting disease producing organisms to dried fruits;
- must not engage in the preparation, processing, packing or handling of dried fruits or any material likely to come into contact with those goods.
- 51.2 If the occupier of an establishment engaged in the processing or handling of dried fruits has reason to believe or suspect that any person is likely to transmit disease-producing organisms to dried fruits, the occupier must ensure that person is excluded from entering the establishment until that person furnishes a certificate from a medical practitioner indicating that person is free from infection or any condition likely to transmit disease producing organisms to dried fruits.
- 51.3 Persons handling dried fruits during processing must have clean hands.
- 51.4 All persons must wash their hands with the aid of approved liquid soap:
- (a) on entering areas in which dried fruits are prepared;
 - (b) after using a toilet facility;
 - (c) after handling dirty or contaminated material; and
 - (d) after smoking, eating or drinking.
- 51.5 Processing personnel must keep their fingernails clean.
- 51.6 A person handling dried fruits or fruits from which dried fruits are to be prepared with bare hands must not wear fingernail varnish.
- 51.7 Cuts or sores must be covered with a clean waterproof dressing that is securely attached and in the case of cuts or sores on the hands, gloves must also be worn.
- 51.8 Adhesive dressings or their equivalent must not be worn unless covered or enclosed by a clean waterproof dressing that is securely attached.
- 51.9 Loose jewellery that is not effectively covered, must not be worn on the hands when handling prescribed goods during processing.

- 51.10 A person must not spit, smoke or consume food in a processing area.
- 51.11 A person must not drink in a processing area other than by use of a disposable cup in the vicinity of a water fountain.

Schedule 3A Requirements for registered establishments for mung beans

(order 7.3)

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- 3 Alterations, extensions and rearrangements to establishments
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- 5 Structural requirements for establishments preparing mung beans
- 6 Operational and hygiene requirements for establishments preparing mung beans

1 Application for registration of establishment

An application for registration must be completed and returned to an authorised officer in the State or Territory in which the establishment is located together with plans and specifications of the establishment.

2 Requirements for plans and specifications

- 2.1 For the purposes of registration, plans or diagrams giving the general structural and operational layout of the establishment must be provided.
- 2.2 Plans must be sufficiently detailed to allow evaluation of the establishment and must include:
- (a) a locality map showing the site in relation to the local area; and
 - (b) site plan showing all salient features of the site and adjoining sites including location of the establishment; and
 - (c) a general floor plan; and
 - (d) elevations of all buildings comprising the establishment; and
 - (e) a floor plan of processing areas, showing all permanent fixtures and layout of equipment; and
 - (f) a product flow chart, and main features of product flow.

3 Alterations, extensions and rearrangements to establishments

Notice of changes to a registered establishment that may result in residual infestation problems or that may affect sampling and inspection of mung beans must be submitted in accordance with clause 1.

4 Records to be maintained

The occupier of a registered establishment must:

- (a) keep, for at least two years, records of cleaning and pest control measures in sufficient detail to enable an authorised officer to monitor the effectiveness of pest control measures; and
- (b) keep, for at least two years, records of receivals and loadings, and make them available to an approved inspector upon request.

5 Structural requirements for establishments preparing mung beans

- 5.1 An establishment in which mung beans are prepared or inspected for export must be designed and constructed to allow all operations for which the establishment may be registered to be carried out efficiently, effectively and hygienically and, as appropriate, the design and construction must:
- (a) provide adequate ventilation where treatments are carried out; and
 - (b) allow effective cleaning of floors and surrounds in the product handling areas; and
 - (c) minimise harbourage for pests or diseases, or contamination of the mung beans during preparation; and

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- (d) allow effective cleaning of the plant and equipment used in the preparation or handling of the mung beans; and
 - (e) provide handwashing and toilet facilities; and
 - (f) make provision for the disposal of all waste material, including liquids and solids, in an efficient and hygienic manner.
- 5.2 Equipment provided for the fumigation or treatment of mung beans must be constructed, tested, maintained and operated in accordance with applicable local government, State, Territory and Commonwealth regulations.
- 5.3 The occupier of the establishment must, unless otherwise agreed by the Secretary, provide suitable facilities for inspection including:
- (a) an inspection area located in a position where mung beans can be examined in good natural light or, if it is not possible to provide such an area, in suitable artificial lighting providing illumination of 600 lux; and
 - (b) suitable inspection tables or benches; and
 - (c) when required, access to a desk and chair; and
 - (d) access to a telephone.
- 5.4 The occupier of the establishment must also provide the following facilities for safe and effective inspection:
- (a) if the establishment handles mung beans in bulk requiring inspection at rates of 400 tonnes per hour or more:
 - (i) an automatic sampling system of demonstrated reliability that will deliver to a sampling room a sample of the goods from every goods path flowing separately to the ship; and
 - (ii) an appropriate screening system for removal of large contaminants; and
 - (iii) a sampling room that:
 - (A) complies with relevant State, Territory and Commonwealth occupational health and safety requirements and meets relevant Australian standards for health and safety in the workplace, particularly with respect to noise levels and dust, lighting for prolonged inspection activities and thermal comfort; and
 - (B) is approximately 9m² for one sampling point plus 4m² for every extra point; and
 - (C) has power, load indicators showing the rate of flow past sampling points, a telephone to the control room or other means of directing the stopping of the loading belt, and an outside telephone;
 - (b) if the establishment handles mung beans in bulk requiring inspection at rates of less than 400 tonnes per hour:
 - (i) provision for collection of samples in a safe and effective manner; and
 - (ii) if required by the Secretary — an automatic sampling system.

6 Operational and hygiene requirements for establishments preparing mung beans

- 6.1 A registered establishment in which mung beans are prepared or inspected for export:
- (a) must be equipped and operated in a manner which permits effective pest control and hygienic conditions to be maintained at the establishment; and
 - (b) must have a defined program of hygiene and pest control.
- 6.2 All machinery, equipment and surrounding floor area must be thoroughly cleaned of all waste material and debris at intervals not exceeding one week, or at such other times as an approved inspector considers necessary.
- 6.3 Mung bean debris and waste must be removed from areas where mung beans are prepared each day and removed from the establishment each week.
- 6.4 Any material likely to contaminate, infest or provide a source of infestation of mung beans must not be stored or handled in a building or area used for their preparation or storage or in any area likely to create a source of contamination.
- 6.5 Toxic substances and other substances which may contaminate mung beans must not be stored in an area or a building where mung beans are handled or stored.
- 6.6 Animals (including birds and rodents) must not be present in the establishment where preparation of mung beans takes place.
- 6.7 A person who:
- (a) is suffering from a communicable disease; or
 - (b) is a carrier of a communicable disease; or
 - (c) may transmit pathogenic organisms to mung beans;
- must not enter any registered establishment used for the preparation of mung beans.
- 6.8 All persons handling mung beans must maintain a high degree of personal cleanliness.
- 6.9 Handwashing facilities and toilet facilities must be kept in a clean and sanitary condition at all times.

Schedule 4 Packaging standards and trade descriptions for fresh fruits and fresh vegetables

(order 13)

1 Packaging materials

- 1.1 Packages into which fruits or vegetables are to be packed must be:
- (a) clean; and
 - (b) free from all foreign matter.
- 1.2 Materials used inside packages must be new and comply with the requirements specified in subclause 1.1 and, if trade specifications have been marked on those materials, the printing or labelling must be carried out with a non-toxic ink or glue.
- 1.3 In this clause, *clean* means practically free from any soil, dust or other contaminants.

2 Complete trade description to be applied

The complete trade description:

- (a) must be applied:
 - (i) in the case of rigid type packages — to at least one end of each package;
 - (ii) in the case of transparent or loose mesh bags:
 - (A) on one side of a sufficiently rigid label placed inside the package, provided the markings remain clearly visible from the outside; or
 - (B) directly on the package itself; or
 - (iii) in the case of any other non-rigid type package — on one side of a sufficiently rigid label either securely attached to the top of the package or printed directly on the package; and
- (b) must be in prominent, indelible and legible characters at least 5 millimetres high; and
- (c) must not be handwritten.

Schedule 5 Inspection and treatment requirements for ships and container system units

(orders 25 and 32)

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Part 1 Ship inspection

1 Adequate natural lighting

- 1.1 Adequate lighting for the inspection of ships' cargo spaces and other places on ships is required.
- 1.2 The following considerations must be used to determine whether lighting is adequate:
 - (a) inspection does not commence until half an hour after sunrise and ceases half an hour before sunset;
 - (b) light clusters are not a permitted alternative to daylight for the purpose of inspecting for insect pests, except for ships where hold spaces cannot be naturally illuminated.
- 1.3 Ships' store rooms and general galley areas are normally completely or partly illuminated by artificial light and may be inspected outside the time limits specified in paragraph 1.2 (a).

2 Inspections away from a wharf

- 2.1 Inspection away from a wharf may be undertaken by an authorised officer if anchorage inspections have been agreed to as the general policy by the State, Territory or Commonwealth Department employing the officer.
- 2.2 Authorised officers may decline to leave shore, or to start or continue inspections, if weather or other conditions are such that they consider it unsafe to do so.
- 2.3 An authorised officer may discontinue inspection when findings indicate that a ship will have to be brought to shore for cleaning or treatment and recommence inspection after berthing.

3 Two or more ports loading prescribed goods

- 3.1 If a ship has to complete loading at:
 - (a) a second or subsequent port in the same State or Territory; or
 - (b) a second or subsequent port in another State or Territory;
a complete inspection must be made at:
 - (c) the first port of loading; or
 - (d) subject to clause 4, another port nominated by the shipowner or shipowner's agent but only if:
 - (i) a certificate issued by an approved marine surveyor is made available; and
 - (ii) a loading permit for the spaces specified in the certificate issued by the marine surveyor is issued at the first port of loading.

- 3.2 On arrival at a second or subsequent port, further inspections are not required of the spaces to be loaded in those ports unless inspection of ballast spaces is necessary.

4 Inspection at other than the loading port

Ships may be inspected, treatment ordered and re-inspection made, where necessary, at any port nominated by the shipowner or shipowner's agent, provided that there is an authorised officer resident at the port, or that it is a port where grain loading normally takes place.

5 Part-loaded ships

When a ship that is part-loaded with cargo is to be inspected any discharge or loading of cargo from the holds must cease while the inspection is being undertaken and any 'tween deck hatch covers must be removed in order to permit the inspection of lower holds.

6 Inspection of goods joint-stowed with prescribed goods

- 6.1 Other cargo that could harbour pests and diseases or contaminate prescribed goods and that is to be stowed with those goods in the same hold must be inspected by an authorised officer prior to loading.
- 6.2 A loading permit must not be granted if other cargo is found to be infested with pests or in a condition that could contaminate the prescribed goods.

7 Inspection procedure

- 7.1 On boarding the ship, an authorised officer must obtain from the master the information required to complete the relevant sections of Part A of the ship inspection and treatment order form, as published by the Department.
- 7.2 An authorised officer must require a ship's officer to accompany the authorised officer during the inspection to ensure the provision of all assistance necessary.

8 Opening of hatches

Hatches must be opened fully where possible.

9 On entering a hold

- 9.1 On entering a hold, an authorised officer may examine all sites that may harbour infestible residues, insects or rodents.
- 9.2 If it is apparent that ladders or other equipment are required to enable an authorised officer to safely inspect otherwise inaccessible areas in the hold, the ship's master must make them available and they may be ordered on a treatment order form if necessary.
- 9.3 Masters must make available sufficient crew to erect ladders and move them from hold to hold.

10 Timber components

- 10.1 If a timber tank-top ceiling is fitted, an authorised officer must order the lifting of a minimum of 3 planks to facilitate inspection.
- 10.2 If covered, sufficient sections of any covering material must be removed in order to facilitate the lifting of the required number of planks.
- 10.3 If a ceiling is caulked, an authorised officer must examine it carefully to determine the thoroughness of the caulking.
- 10.4 If the caulking is ineffective in preventing cargo residues from lodging in cracks or beneath the ceiling, an authorised officer must order the lifting of planks.
- 10.5 The planks to be lifted must be selected by an authorised officer on the basis of those which the officer considers contain or could contain the greatest amount of residues beneath them.
- 10.6 In the case of a ship with a history of no previous infested cargoes, an authorised officer may reduce the number of planks to be lifted after the first hold.
- 10.7 If, after lifting planks, an authorised officer is unable to decide the infestation level, the officer must order the lifting of additional planks until this decision can be made.
- 10.8 Except when a bulkhead sheathing has just been completely replaced, an authorised officer must order the lifting of sufficient planks so that a proper inspection of the area covered can be made.
- 10.9 If a lining has been covered by a new layer of planks, metal or plywood, sufficient of the new covering must be removed to enable the condition of the older sheathing to be determined.
- 10.10 If any part of the older sheathing shows signs of damage or gaps in the timber, an authorised officer must order parts of the older sheathing to be dismantled.

11 Deck beams and coamings

- 11.1 Deck beams and coamings must be inspected as far as practicable.
- 11.2 When a ladder is used, it must be erected on both sides of the hold in a position that will facilitate the inspection of beams and coamings.
- 11.3 The beams visible from ladders fixed in the hold must not be used as the sole criterion for deciding the cleanliness of deck beams.
- 11.4 If it is not possible to gain access to beams and an authorised officer has reasonable cause to believe that there are insects or residues on the beams, the officer must order cleaning of these areas.
- 11.5 An authorised officer must be present during the cleaning operations to ensure that all residues have been removed.

12 Casings

- 12.1 If there is any evidence that residues are inside casings, or could gain entry through cracks or ill-fitting joints, an authorised officer must order the removal of 1 or 2 sections in each hold.
- 12.2 All infestible residues must be removed from casings before a loading permit is issued.
- 12.3 If pesticidal treatment is required, all residues must be removed beforehand and sufficient casings dismantled to permit a thorough post-treatment inspection.

13 Ventilator shafts

Ventilator shafts must be examined for evidence of infestible residues or pests.

14 Dunnage

- 14.1 For the purposes of this clause, ‘dunnage’ means any material such as timber planks, hatch boards, bamboo, paper and burlap placed beneath or around the cargo to separate or protect it during transit.
- 14.2 An authorised officer must inspect such material, including part of the deck surface beneath the stack, for residues and pests.
- 14.3 If infested dunnage is stored in mast houses, lockers, fo’c’sle spaces and other areas outside holds, an authorised officer must ensure that no cross-infestation risk to the cargo holds exists.

15 Hatch covers

- 15.1 Patent hatch covers constructed with strengthening girders which form ledges beneath the cover must be inspected.
- 15.2 If an authorised officer determines that a detailed inspection is required, the hatch covers must be pulled back section by section to facilitate such inspection.
- 15.3 Pontoon hatch covers must be lifted or turned over as necessary to permit adequate examination for residues.

16 Other sites

In addition to sites within holds, other areas such as fo’c’sle lockers and mast houses must be inspected by an authorised officer to ensure that there is no risk to the cargo.

17 Holds not intended for loading with prescribed goods

- 17.1 In assessing the possibility of cross-infestation of prescribed goods from adjacent empty holds, an authorised officer must determine whether such cross-infestation could occur:

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- (a) through casings which pass from one hold to another; or
 - (b) through the bilges; or
 - (c) through the upper decks in ships having common shelter decks and 'tween decks; or
 - (d) through timber bulkheads in ships having common holds; or
 - (e) by flight over coamings.
- 17.2 An authorised officer may order treatment only in accordance with clause 22.
- 17.3 If ships are to be only part loaded with prescribed goods, an authorised officer must apply the following procedures:
- (a) an inspection must be made of all cargo spaces not loading prescribed goods, additional to the inspection of cargo-loading holds;
 - (b) if pest-free residues are found in holds not loading cargo, an order must not be made for their removal;
 - (c) when a treatment order is completed in respect of non-cargo-loading holds, any treatment must be aimed at minimising the cross-infestation risk;
 - (d) fumigation of empty non-cargo-loading holds may be ordered in exceptional circumstances and must be ordered if *Trogoderma* spp. have been found;
 - (e) if post-treatment survivals are detected in non-cargo-loading holds, the loading permit must be withheld only if the infestation level exceeds a level at which an authorised officer considers that the cross-infestation risk to cargo-loading holds continues to exist;
 - (f) refumigation is required if live *Trogoderma* spp. are found;
 - (g) if, at the time of inspection, holds not intended for loading with prescribed goods are already loaded with other cargo that is found to be infested, an authorised officer must require the master to eliminate such infestation;
 - (h) if such a cross-infestation risk exists to holds loading prescribed goods, the loading permit must be withheld and the decision to treat such holds not loading the prescribed goods is to be left to the ship's master or agent.

18 Inspection of other spaces adjoining holds

- 18.1 Unless spaces are permanently sealed from the hold, they must be opened and inspected.
- 18.2 Spaces which could harbour cargo residues or insects, including tonnage spaces, fo'c'sle and midships storage areas, deck lockers and similar spaces, must be inspected.
- 18.3 Treatments must be aimed at minimising the risk of cross-infestation.

19 Ships' stores and general galley areas

- 19.1 Wet stores and refrigerated or chilled stores must be excluded from inspection, except if there is reason to believe that these areas may have become infested with pests.
- 19.2 It is necessary to inspect areas in the ship where stores are handled and food is prepared only when substantial insect infestation or insects suspected to be *Trogoderma* spp. have been detected during the course of inspection of dry stores.

20 Procedures and criteria for deciding treatment

The following criteria must be used in determining infestation levels:

- (a) insect infestations:
- (i) clear — no live insect stages (adults, larvae or pupae) found;
 - (ii) light — less than 50 in total of all insect stages;
 - (iii) heavy — 50 or more in total of all insect stages;
- (b) *Trogoderma* spp:
- (i) clear — no *Trogoderma* spp. found in any stage;
 - (ii) light — 1 or 2 in total of all stages;
 - (iii) heavy — 3 or more in total of all stages.

21 Holds loading prescribed goods

- 21.1 The following treatment must be ordered for the infestation levels specified in clause 20 for holds loading prescribed goods:
- (a) clear — nil;
 - (b) light — spray (except *Trogoderma* spp., then fumigate);
 - (c) heavy — fumigate (except psocids, cockroaches and mites, then spray);
 - (d) where fumigation fails — refumigate.
- 21.2 The insect stages from all sites in a hold must be totalled to determine the treatment.
- 21.3 When spraying is ordered, the entire hold space must be sprayed, except where otherwise determined by an authorised officer.
- 21.4 The following fitments must be removed or opened up and cleaned out when infestation or infestible residues are inside or underneath before treatment:
- (a) timber tank-top ceilings;
 - (b) casings;
 - (c) other closed or partly closed fitments.

22 Holds not loading prescribed goods

The following treatment must be ordered for the infestation levels specified in clause 20 for holds not loading prescribed goods:

- (a) clear — nil;

- (b) light — nil, except where cross-infestation risk exists, then spray;
- (c) heavy — spray, except for *Trogoderma* spp., then fumigate.

23 Treatment of ships’ stores and general galley areas

- 23.1 If infestation levels in ships’ stores and general galley areas:
- (a) are as specified in column 1, as determined in accordance with paragraph 20 (a) for insects, not including *Trogoderma* spp.; or
 - (b) create a cross-infestation risk;
- the treatment specified in column 2 or 3 of the following table must be carried out:

Column 1 Infestation level	Column 2 On room structure	Column 3 On foodstuff
clear	nil	nil
light	nil	nil
heavy	spray	dispose or fumigate

- 23.2 If *Trogoderma* spp. are identified in ships’ stores or general galley areas at a level of infestation as specified in column 1, as determined in accordance with paragraph 20 (b), the treatment specified in column 2 or 3 of the following table must be carried out:

Column 1 Infestation level	Column 2 On room structure	Column 3 On foodstuff
clear	nil	nil
light	spray	dispose or fumigate
heavy	fumigate	dispose or fumigate

- 23.3 The disposal of foodstuffs must be at the master’s discretion and must not be included on the treatment order.

24 Moth or beetle infestations

- 24.1 Subject to subclause 24.2, if moths or beetles are found, the provisions of clauses 20, 21, 22 and 23 must be applied.
- 24.2 The only variation is that fogging must be ordered if an authorised officer considers that surface spraying of cargo spaces with a contact insecticide is not sufficient to control flying moths before re-inspection, and fogging with an oil-based insecticide must be included on the treatment order, in addition to spraying of the hold structure.

25 Removal of fittings

- 25.1 If spraying is ordered, the removal of most or all timber or other fittings and the removal of all residues, followed by the spraying of all surfaces and timber as well as the rest of the hold, must be carried out.

- 25.2 If fumigation is ordered, the removal of all residues and of sufficient timberwork or hold fitments to permit adequate circulation and penetration of the fumigant as well as to permit a thorough and effective inspection after treatment must be carried out.

26 Types of treatment for holds already part-stowed with cargo

- 26.1 Treatment must not be ordered in a hold already part-stowed with cargo or with cargo in adjoining spaces if an infestation is found in the hold or on the cargo.
- 26.2 An authorised officer must withhold the loading permit until remedial action is taken by the master or master's agent to eliminate the infestation, and the hold and cargo is made accessible for re-inspection.

27 Types of treatment for ships' stores

As an alternative to advising disposal of stores, the master may be given the option of placing infested stores in refrigerated rooms, except where *Trogoderma* spp. are found.

28 Unsatisfactory treatments

- 28.1 If any survivors are found following a fumigation of holds loading prescribed goods, a repeat fumigation must be ordered.
- 28.2 If live insects are found following a fumigation treatment of holds not loading prescribed goods, a repeat fumigation must be ordered only if an authorised officer considers that there is still a risk of cross-infestation to the cargo spaces loading prescribed goods, and a further treatment order must be issued to that effect.
- 28.3 In holds not loading prescribed goods, if any survivors are found following a fumigation against *Trogoderma* spp., a repeat fumigation must be ordered.
- 28.4 If a satisfactory degree of control has not been achieved following spray treatments, a further spraying must be ordered and a further treatment order issued.

29 Approved chemicals etc

- 29.1 Subject to subclause 29.2, the choice of a particular fumigant, rodenticide or insecticide and of the method of application rests with the master.
- 29.2 In the case of a *Trogoderma* spp. infestation, fumigation must be with methyl bromide at the rate of not less than 80g/m³ for a minimum exposure period of 48 hours.

30 Method of application of fumigant, rodenticide or insecticide

Subject to subclause 29.2, when a fumigant, rodenticide or insecticide is used, it must be:

- (a) registered for the particular use; and

- (b) used in accordance with its registered label; and
- (c) acceptable to the importing country.

31 Failure to carry out a specified treatment

If an incorrect treatment has been carried out, an authorised officer must not make any re-inspection until the treatment order has been complied with.

32 Washing down of ships' holds combined with insecticide spraying

If the marine surveyor requires spaces to be washed for which an authorised officer has ordered spraying, the washing must precede the treatment and the affected areas must be reasonably dry prior to application of the insecticide.

33 Inspection procedures for residues

- 33.1 Authorised officers must record the presence of scale, mineral residues or other contaminating or wetting materials, including their type, on the inspection report and must record if and where cleaning was ordered by a marine surveyor.
- 33.2 Scale and mineral residues must, in accordance with the procedures in clause 40, be ordered to be removed by an authorised officer if present together with insect infestation or infestible residues.

34 Rust and paint scale in cargo-loading holds

- 34.1 Loose rust or paint scale in ships' cargo spaces must be inspected by an authorised officer to determine if:
 - (a) it is providing harbourage for grain insect pests; or
 - (b) it is inhibiting effective inspection of the structure of the hold.
- 34.2 If rust or paint scale is present in a cargo space intended to load grain, to the extent that it can readily be dislodged, a thorough inspection of the structure must not be made until a representative sample of the scale has been removed.
- 34.3 The following procedures must be adopted by an authorised officer when inspecting a ship requiring descaling:
 - (a) a full examination of the ship in other respects must be completed;
 - (b) if it is necessary and practicable to do so, a treatment order in respect of the holds other than those in which scale is a problem must be issued;
 - (c) for the holds with scale, the treatment order requires the scale to be removed in accordance with subclauses 39.2 and 39.3, together with any residual infestible or non-infestible material, if present, and retained in the holds for further inspection;
 - (d) an authorised officer may make an inspection during descaling in order to assess the level of infestation which may be present behind the scale;

- (e) after partial descaling has been completed, an additional treatment order must be issued if any further descaling, cleaning or chemical treatment is required in those cargo spaces which have been descaled;
- (f) in cases where fumigation has been ordered, the scale must be left in the hold during the treatment, provided that it has been placed on the tank tops or on 'tween decks so that the gas can penetrate through it.

35 Infestible residues in cargo loading holds — criteria for ordering removal

The following standards must be applied by an authorised officer when ordering the removal of infestible residues from cargo spaces intended for loading with prescribed goods:

- (a) except if the infestible residues are very light and scattered throughout the hold, a treatment order must be given for their removal;
- (b) if:
 - (i) any degree of live insect infestation is found to be associated with residues; or
 - (ii) dead insects are observed;all residues must be ordered to be removed.

36 Removal of residues from timber structures and other removable hold fitments — criteria for ordering removal

If holds are loading prescribed goods and an authorised officer finds on removal of timber or fitments that there is an accumulation of residues, whether infested or not, the authorised officer must order the lifting of sufficient timber to permit cleaning out of the residues.

37 Infested residues

- 37.1 If, on removal of timber or fitments, an authorised officer finds residues infested with insect pests, chemical treatment must be ordered.
- 37.2 In spaces other than cargo-loading holds, residues must be ordered to be cleaned out only to the extent necessary to permit chemical treatment adequate to remove the cross-infestation risk.

38 Infestible residues elsewhere

Removal of non-infested residues from non-cargo-loading holds, or other areas, must not be ordered except if these could subsequently find their way into the loaded holds.

39 Non-infestible residues in holds loading prescribed goods

- 39.1 If scale or other residues inhibit inspection, an authorised officer must order their partial removal.
- 39.2 For the purposes of inspection, a representative sample of scale or residues must be removed from each site in the hold.

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- 39.3 For scale, an area of about 10 per cent of each affected site must be considered representative, unless a marine surveyor orders removal of a larger area than this.
- 39.4 Non-infestible residues must be ordered removed by an authorised officer from cargo loading holds only if mixed with infestible residues or insect infestation.

40 Disposal of residues

- 40.1 Subject to subclause 40.2, all residues must be submitted to the local quarantine authority for appropriate disposal.
- 40.2 Alternatively, residues must be placed in containers and stowed on the upper deck of the ship for dumping at sea.
- 40.3 A quick-acting insecticide must be applied to the surface of infested residues and to the exterior of the containers before stowage on the deck and, if suitable containers such as drums are available, the residues must be immersed in seawater.

41 Rodent infestation

An authorised officer must sight and record on the ship inspection report and treatment order form the date of issue of the deratisation certificate or deratisation exemption certificate.

42 Inspection procedure for rodents

- 42.1 An authorised officer must inspect for rodents, while inspecting for insects and cargo residues, a ship for which an application to load prescribed grain has been made.
- 42.2 In the case of a ship which is to load prescribed grain, an authorised officer must report any rodent infestation or signs of rodent infestation to the master.

43 Estimation of population levels

The following categories must be used in determining treatments to be carried out on ships inspected under these Orders for infestations of *Rattus* spp. and *Mus musculus*:

- (a) light — an absence of nests, but evidence of gnawing and damage to cargo residues and ship fittings, or evidence of recent droppings or runways;
- (b) heavy — nests of young, runways, gnawings or evidence of fresh droppings, and sightings of live adult rodents.

44 Criteria for deciding treatment for rodent infestations

44.1 The treatment specified in column 2, 3 or 4 of the following table must be carried out in respect of the infestation levels in column 1 as specified in clause 43 for *Rattus* spp.:

Column 1	Column 2 Cargo-loading holds	Column 3 Other fumigable spaces	Column 4 Other non-fumigable spaces
Light	Fumigate	Fumigate	Bait
Heavy	Fumigate	Fumigate	Bait

45.2 The treatment specified in column 2 or 3 of the following table must be carried out in respect of the infestation levels in column 1 as specified in clause 43 for *Mus musculus*:

Column 1	Column 2 Cargo-loading holds	Column 3 All other areas
Light	Fumigate	Bait
Heavy	Fumigate	Bait

45 Treatment order

45.1 An authorised officer must record the level of rodent infestation on the ship inspection report form and advise the master in accordance with subclause 42.2.

45.2 Cleaning to remove food sources and as an aid to re-inspection by removing signs of infestation must be ordered.

46 Re-inspection

46.1 Treated spaces must be reinspected to ensure that the treatment has been effective, that all unused bait has been removed and that carcasses have been disposed of appropriately.

46.2 If fumigation has been ordered, re-inspection may commence when a gas clearance certificate issued by the fumigator has been sighted, provided lighting conditions are satisfactory.

46.3 If baiting has been ordered, re-inspection must not be commenced until an overnight period has elapsed.

47 Treatment failure

47.1 If rodents survive a fumigation, a refumigation must be ordered.

47.2 If rodents survive baiting, treatment must continue until no further activity is evident.

48 Combined ship inspection report and treatment order form

The details of the ship must be collected from the master, as set out on the top of the form, before commencement of inspection and these details must not be repeated when subsequent treatment orders are issued.

49 Reporting of conditions

All areas of the ship must be inspected and reported on an approved form.

50 Deratisation fumigations

A treatment order must not include fumigation of the crew's quarters but it is a matter for the master of the ship if he or she elects to fumigate them.

51 Time of issue

If a treatment order is issued, the time and date of issue must be the time and date when the responsible ship's officer is informed of the requirements of the treatment order at the completion of the inspection.

52 Second and subsequent inspection

Results of further inspections and treatment to be ordered must be reported as specified in clause 49.

53 Time to elapse after insecticidal spraying treatment

If spaces are inspected immediately following treatment with contact insecticides or fogs and live insects are found, a further re-inspection must not take place within 4 hours of completion of treatment, not including any necessary airing period.

54 Re-inspection of timbered sites

- 54.1 If timber is involved, new sections must be lifted to the same extent as that required in the initial inspection.
- 54.2 If timber has been lifted to permit the removal of non-infested residues, further timber must be lifted if necessary to enable an authorised officer to be satisfied as to the degree of cleaning achieved.

55 Post-fumigation inspection

- 55.1 When re-inspection of a ship that has been fumigated is called for, an authorised officer must first sight a gas clearance certificate from the fumigator or, if appropriate, from an industrial hygiene officer or industrial chemist of a State or Territory Department.
- 55.2 Gas detection equipment supplied by the Department for use by an authorised officer must not be used for the purpose of issuing a gas clearance certificate for the ship.

56 Unsatisfactory treatment

Any work ordered as a result of the re-inspection of a ship must be stated on an additional treatment order.

57 Part acceptance of ship

- 57.1 If a ship is compelled to berth under ballast and cannot discharge this ballast until an equal weight of cargo has been loaded:
- (a) all cargo spaces except the ballast tanks must be inspected during the initial inspection; and
 - (b) when the cargo spaces inspected comply with the requirements of these Orders and a marine surveyor issues a certificate for them, the loading permit must be issued for those spaces; and
 - (c) if ballast tanks are located within a hold, the loading permit must be endorsed so as to exclude them; and
 - (d) the tanks must be inspected after ballast has been discharged and the spaces dried; and
 - (e) when the marine surveyor is satisfied and issues a certificate to the effect that these spaces comply with the requirements of these Orders, an additional permit must be issued; and
 - (f) an authorised officer must insert the time when the final inspection was completed on the additional loading permit.
- 57.2 When cleaning only is required to remove residues of non-infested material, some holds may be brought to a satisfactory standard while work is still proceeding on the remainder, subject to the following conditions:
- (a) when a marine surveyor's certificate has been sighted, a loading permit may then be issued for those holds that comply with these Orders;
 - (b) as additional holds are passed, an additional permit must be issued;
 - (c) an authorised officer must insert the time when that additional inspection was completed on the loading permit.
- 57.3 When a combination of the conditions in subclauses 57.1 and 57.2 occurs, the following conditions apply:
- (a) issue of a loading permit in part acceptance of a ship may only be done if requested by the master, a marine surveyor and the shipper;
 - (b) a loading permit must not be issued in respect of part of a ship while infested residues are being removed or a chemical treatment is being applied to the remainder of the holds or other infested cargo is present.

58 Sighting of marine surveyor's certificate

An approved marine surveyor must issue a certificate stating that the holds of a ship are suitable for the carriage of prescribed grain or prescribed goods for consumption and this must be sighted by an authorised officer before the officer issues a loading permit.

59 Issuing the loading permit

- 59.1 An authorised officer must indicate on a loading permit the time at which the officer determines that the holds comply with the requirements of these Orders.
- 59.2 The time shown must be when inspection of the holds has been completed and the responsible ship's officer was informed of this.
- 59.3 This time must not be altered.

60 Completion of form

- 60.1 An authorised officer must complete the form referred to in clause 49 when a loading permit has been issued for all holds loading prescribed grain or prescribed goods for consumption.
- 60.2 Under the heading 'details of treatment' an authorised officer must list details of the particular chemical used in the treatment of the cargo spaces of the ship.
- 60.3 Wherever possible, this information must be made available to the authorised officer by the master or the master's agent before the issue of the loading permit.

Part 2 Container system unit inspection

61 Empty container system unit inspection

The following types of inspection are required for empty container system units:

- (a) in the case of container system units for prescribed grain and prescribed goods for consumption — an approved inspector must inspect the container system unit for pests, infestible residues, contaminants and other conditions that could affect the goods;
- (b) in any other case — an approved inspector must inspect the container system unit to ensure that there are no pests, or residues that could harbour pests, or conditions which could permit cross-infestation.

62 Place of inspection

- 62.1 Container system units may be inspected at any place where there are adequate facilities for the inspection.
- 62.2 When an approved inspector is present at the filling premises, the approved inspector must inspect the container system unit prior to the start of filling but must not order removal of linings if the units bear 'Inspected' stickers applied in accordance with paragraph 36 (b) of these Orders.
- 62.3 If container system units arrive at filling premises and do not carry such stickers, then they must be fully inspected by an approved inspector.

63 Assistance to be given to approved inspectors

The person responsible for a container system unit must give all reasonable assistance to an approved inspector, including moving, opening and closing units and providing ladders or other necessary equipment.

64 Inspection procedures for empty container system units

64.1 When container system units are inspected prior to transport, the units must be sealed and identified in accordance with order 36.

64.2 All parts of the interiors and exteriors of the container system units may be inspected and if an approved inspector suspects the presence of pests or residues the approved inspector may order treatment in accordance with clause 68.

64.3 Flexible bag type container system units must be inspected prior to filling.

65 Rejection of empty container system units

65.1 Container system units found to be unsuitable for filling must be rejected.

65.2 The presence of the following in container system units must lead to rejection:

- (a) one or more live pests in residues or on the structure of the container, inside or out;
- (b) one or more live rodents, or evidence of rodents harbouring behind linings;
- (c) any residue infestible by pests;
- (d) structural damage such that pests could enter after loading;
- (e) non-infestible materials, odour, water, rodent carcasses or rodent droppings in containers to load grain.

66 *Trogoderma* spp.

66.1 If live insects are found, being *Trogoderma* spp., the container system unit must be rejected and an approved inspector must order treatment.

66.2 When the person responsible for the container system unit wishes to re-present it to load prescribed goods, the person must provide an approved inspector with a fumigation certificate, a quarantine clearance, or both, before re-inspection is commenced.

67 Treatment order

If a rejected container system unit is not to be replaced by the person in charge of the unit, an approved inspector must issue a treatment order in accordance with an approved form.

68 Treatment of empty container system units

- 68.1 Infestible residues must be removed from a container system unit and if the unit is lined, residues detected behind wall panels must be removed.
- 68.2 Live pests detected in unlined container system units must be sprayed with a contact pesticide.
- 68.3 Live pests detected in lined container system units must be fumigated with a fumigant.
- 68.4 Non-infestible residues must be removed and disposed of for container system units loading prescribed grain or prescribed goods for consumption.
- 68.5 For container system units loading bagged prescribed grain or bagged prescribed goods for consumption, as an alternative to removal of non-infestible residues or other non-infestible materials, the person in charge of the unit may take other appropriate steps to prevent contamination of the bags.

69 Re-inspection of empty container system units following treatment

- 69.1 When container system units are inspected immediately following spraying, and live insects are found, a further re-inspection must not take place within 4 hours of completion of treatment, not including any necessary airing period.
- 69.2 The presence of live insects in or on the container system unit, infestible residues, or failure to remove linings must lead to rejection and the original treatment must be re-ordered.
- 69.3 Container systems units that have been fumigated must not be reinspected unless the person responsible for the units is in receipt of a gas-free certificate.

70 If the condition of the container system unit has changed

- 70.1 If an approved inspector has reason to believe that the condition of a container system unit has changed since issue of the loading permit, the unit must be reinspected.
- 70.2 If the condition of the container system unit has changed such that the requirements of these Orders are not met, the loading permit must be cancelled.

Schedule 6 Inspection of prescribed grain and certain other prescribed goods for which phytosanitary certificate required

(order 49.3)

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Part 1 Preliminary

1 Interpretation

In this Schedule:

relevant goods means goods described in paragraphs 49.3 (a) and (b) of these Orders.

sub-sample means a quantity of relevant goods that is drawn from a consignment of the goods in a manner that ensures that the total quantity drawn is:

- (a) in the same proportion to the total quantity of the consignment as 2.25 L is to 33.33 t; or
- (b) sufficient to enable an inspection to be made.

2 Pests and contaminants

- 2.1 A nil tolerance for pest infestation must be applied to all relevant goods presented for inspection.
- 2.2 The tolerance for pests must be applied to live pests.
- 2.3 The tolerances for the contaminants specified in column 1 of the following table must be as specified in column 2:

Column 1 Contaminant	Column 2 Tolerance level
(a) <i>Crotalaria</i> spp. — seeds (rattlepods) (except <i>C. goreensis</i> which is unrestricted)	nil in sorghum for all destinations
(b) <i>Datura</i> spp. — seeds (thornapples)	not more than 10 seeds per 2.25 L in sorghum for all destinations
(c) <i>Claviceps purpurea</i> — ergots	not more than 50 pieces per 5 L of grain unrestricted in wheat for USSR and Japan and not more than 3 pieces per 2.25 L in prescribed grain for other destinations
(i) of ryegrass	
(ii) of the cereal or seed	
(d) Rodents and rodent droppings	nil in relevant goods
(i) carcasses	
(ii) droppings	in each 400 t lot of relevant goods not more than:
	(a) 7 droppings in any 2.25 L sample;
	(b) 4 droppings from any 2 consecutive 2.25 L samples; and
	(c) an average of 2 droppings from all the 2.25 L samples drawn

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- 2.4 A nil tolerance must be applied for live rodents in relevant goods.
- 2.5 If the tolerances for rodent droppings in subclause 2.3 are not met, the cell valve must be closed and the remaining relevant goods rejected.
- 2.6 If during routine examination of relevant goods other contaminating material is detected, this must be reported by an approved inspector officer to the person responsible for the goods.
- 2.7 If the contamination detected under subclause 2.6 is heavy, loading must be halted by an approved inspector before reporting to the person responsible for the relevant goods.

Part 2 Relevant goods in bulk

3 Treatment of rejected goods

If relevant goods are rejected for reasons that will respond to treatment, an approved inspector must order treatment in accordance with Part 7 but the choice of treatment is the responsibility of the owner of the goods or the owner's agent.

4 Site of inspection

The site of inspection must be in a position which is well lit, free from dust, clear of fumigant gases and convenient to approved inspectors with regard to ease of drawing and examining samples without risk to personal safety.

5 Method of manual sampling

- 5.1 Sub-samples taken manually must be drawn from:
- (a) the stream on the conveyor belt as close to the valve of the cell as practicable; or
 - (b) the commodity as it falls from the belt or bin; by dipping a 0.25 L dipper into the stream or product.
- 5.2 The contents of the dipper must be transferred to the sieve and the procedure repeated until 2.25 L has been transferred, whereupon the contents must be sieved.

6 Sampling rate

The required sampling rate is 2.25 L of product per 33.33 t.

7 Sieving the sample

- 7.1 The sieve must be shaken a sufficient number of times to allow all insects in the sample to pass through the screen into the pan beneath.
- 7.2 The product remaining above the screen must be examined for insect stages or contaminants that are too large to pass through the mesh.

7.3 After examination, the sieved product must be returned to the stream and the contents of the pan examined for live insects.

7.4 If the use of automatic samplers and mechanical shakers or other mechanical sieving devices has been approved, these must be operated according to the approval by the Secretary.

8 Method of rejecting

8.1 Due to differences in construction and operation of registered establishments the Secretary may determine variations to the rejection procedures specified in subclause 2.5, 9.1, 9.2, 9.3, 9.4, 9.5 or 9.6.

8.2 Upon rejection an approved inspector must notify a responsible person on an approved form that treatment of the rejected lot is required, and that person must return the form, giving details of treatment carried out, before the lot is re-presented for inspection.

8.3 The Secretary may determine the maximum number of rejections that may be made during the loading of a ship.

9 Sampling streams from storage cells going to ship

9.1 In the case of sampling undercell — if one or more live insects are found in a sample taken at the inspection point in the undercell area, then the standard procedure must be as follows:

- (a) the cell or cells from which the relevant goods are being drawn must be closed immediately;
- (b) the shipping belt must be stopped;
- (c) all goods in the conveying system up to and including the weigher must be returned to storage for treatment;
- (d) in establishments where blister or overflow bins are in use, goods from these cells must be returned to storage for treatment;
- (e) if delay occurs in halting the flow, it may be necessary to reject an appropriate quantity of goods from the conveyor belt system beyond the weigher.

9.2 In the case of sampling on the shipping belt or its equivalent at those establishments where relevant goods are sampled at a point beyond the bottom garner on a conveyor feeding the shipping belt or on the shipping belt itself — the standard procedure must be as follows:

- (a) if a single live insect is detected in a sample:
 - (i) the flow must be stopped immediately; and
 - (ii) 2 samples must be taken from the belt between the inspection point and workhouse; and
 - (iii) if an insect is detected in these further samples, all goods on the shipping belt must be rejected and returned for treatment; and
 - (iv) if no further insects are detected in these samples, all goods on the shipping belt must be permitted to go forward to the ship;

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- (b) if more than 1 live insect is detected in a sample, all goods on the shipping belt must be rejected and returned without further inspection.
- 9.3 In the case of sampling from a horizontal storage where it is intended to move goods direct from the storage to a ship — arrangements must be made with the person responsible for the goods to inspect the goods in the store prior to the commencement of loading and if:
- (a) infestation is found, the sections of the store which are infested must be rejected until effectively treated; and
 - (b) it is apparent that infestation is widespread, no further inspection is to be made until the goods have been treated.
- 9.4 If the goods are being drawn from horizontal storages the following procedures must be applied:
- (a) if only 1 valve is open and 1 or more live insects are found in a sample:
 - (i) the valve from which the goods are being drawn must be closed immediately; and
 - (ii) the shipping belt must be stopped; and
 - (iii) all goods up to and including the top garner and weigher must be returned to storage for treatment; and
 - (iv) in establishments where blister or overflow bins are in use, goods from these cells must be returned to storage for treatment; and
 - (v) if sampling is being undertaken on the shipping belt, instructions for sampling and rejection as in subclause 9.2 must be followed; and
 - (vi) sufficient goods to fill a main silo cell may then be run into storage for treatment along with the rejected goods from the conveyor and weigher systems, and loading recommenced from the same valve;
 - (vii) if 1 or more insects are again found in a sample from this valve, then procedures specified in subparagraphs (i) to (v) must be followed and loading recommenced from the fourth valve along, leaving 3 unopened valves in either direction, and rejection procedures at this and subsequent valves must be as specified in subparagraphs (i) to (vi); and
 - (viii) if sufficient goods to fill a main silo cell cannot be moved for treatment due to lack of storage space, then the valve must be closed and discharge continued from the fourth valve along; and
 - (ix) if a valve is being fed by front-end loaders from each side and insects are detected below the valve, then goods from both sides must be rejected;
 - (b) if more than 1 valve is open and 1 or more insects are detected in a sample:
 - (i) all valves from which the goods are being drawn must be closed immediately; and
 - (ii) the shipping belt must be stopped; and
 - (iii) all goods up to and including the top garner and weigher must be rejected and returned to storage for treatment; and

- (iv) in establishments where blister or overflow bins are in use, goods from these cells must also be returned to storage for treatment; and
- (v) if sampling is being undertaken on the shipping belt, instructions for sampling and rejection as in subclause 9.2 must be applied; and
- (vi) sufficient goods to fill a main silo cell may be run from each valve and placed in store for treatment; and
- (vii) each valve must then be reopened and may continue to be run unless further insects are detected; and
- (viii) if further infestation is found in samples from 1 of the valves, all valves must be closed and the rejection procedures specified in subparagraphs (ii) to (v) applied; and
- (ix) discharge must then be continued from a point or points at least 3 valves distant from valves previously open.

9.5 In the case of sampling from rail or road trucks:

- (a) truck loads must be bulked in a silo cell to form a lot of 500 t or more and sampling must be on fixed conveyor belts or by automatic means; and
- (b) approval is required before provisions can be made for rejected truck loads to be returned from weighers or garner bins to storage without having to be bulked prior to sampling; and
- (c) rejection procedures must be as specified in subclauses 9.1 or 9.2 and, in addition, all trucks loaded from the same storage unit must be rejected.

9.6 In the case of sampling at bagging establishments, where goods are being sampled in bulk prior to bagging and insects, or contaminants above the tolerances specified in subclause 2.3, are found, an approved inspector must reject the source of the supply of goods to the bagging establishment and must direct treatment to be carried out at that source.

10 Undue delay after detecting insects

Should unnecessary delay occur between the discovery of insects and stopping of the stream flow, an export permit or phytosanitary certificate must not be issued for that tonnage of goods loaded after rejection was notified to a responsible person, unless the goods are discharged.

11 Re-presentation of goods

Re-presented goods must be inspected in the normal manner and rejected if live insects or other unsatisfactory conditions are present.

12 Screening of goods

12.1 Screening of relevant goods for the removal of live insects is not permitted.

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- 12.2 Where goods that an approved inspector considers have been screened to remove insects are presented for inspection, the approved inspector must reject the goods.
- 12.3 Goods must be screened to remove large contaminants when automatic sampling is in use.
- 12.4 For the purpose of subclause 12.3, screenings must be available for examination by an approved inspector during and at the end of each working day.

13 Blending of goods

- 13.1 Blending of relevant goods rejected for insect infestation is not permitted.
- 13.2 Despite subclause 13.1, blending is permitted in the case of contaminants.
- 13.3 If blending is being carried out during the pre-weighing or loading of a ship and blended goods are rejected, all cells or other sources feeding the blend must be included in the rejection.

14 Sampling of goods by persons other than approved inspectors

If a person other than an approved inspector draws samples of relevant goods, the person must inform an approved inspector on finding pests or contaminants in any sample or sub-sample.

Part 3 Relevant goods in bulk being loaded into container system units

15 Inspection during filling

- 15.1 At establishments where container system units are being filled directly from holding bins, the relevant goods may be:
- (a) sampled from the stream as it enters the units; or
 - (b) sampled elsewhere in the stream path so long as, prior to the commencement of loading on the day concerned, the whole pathway forward of the sampling point to the point of loading was inspected and found to be free of a risk of contaminating the goods.
- 15.2 At establishments handling relevant goods in bulk, inspection procedures must be as in Part 2 of this Schedule.
- 15.3 The presence of live pests in or on a container system unit, bags or the grain must lead to rejection.

16 Inspection of relevant goods in container system units filled in the absence of an approved inspector

- 16.1 Whenever possible, inspection of relevant goods in container system units must take place at the time of the filling of the units but, if this would

involve the carrying out of an inspection at a remote location, the goods may be inspected when the units arrive at a port or metropolitan area.

16.2 An approved inspector must:

- (a) check that the container system unit has passed inspection by noting the presence of an 'Inspected' sticker and confirming that the number of the unit is on the checklist provided by the office responsible for the inspection; and
- (b) check that any bulkhead fitted into the container system unit is clean, sound and free from infestation, and that there are no insects around the doors or bulkhead; and
- (c) in the case of general purpose container system units, ensure that there is headroom of at least 900 mm over all of the bulk, or sufficient headroom to enable the withdrawal of sub-samples by vacuum probe or other appropriate equipment; and
- (d) sub-sample or have sub-samples drawn with a probe in a minimum of five places, specifically one in each corner and one in the centre of the container system unit, and the probe must be inserted to the bottom of the unit so that the sub-sample is a representation of the full depth of goods at that point.

17 Rejection procedures

- 17.1 For standard container system units filled with relevant goods in bulk, a headroom of less than 900 mm must lead to rejection unless appropriate vacuum sampling can be carried out.
- 17.2 If a container system unit was not inspected and passed prior to filling, the entire load must be discharged, the unit must be inspected when all cargo has been removed and the goods must be inspected during refilling.

18 Re-inspection following treatment

- 18.1 If relevant goods containing live pests are to be treated in a container system unit without unpacking, the unit and the contents must be fumigated under gas-proof sheets or in another appropriate way.
- 18.2 The goods must be discharged or, if appropriate, part-discharged for re-inspection in accordance with subclause 16.2.
- 18.3 If treatment with residual insecticide is proposed, the goods must be removed from the unit, treated and held for 7 days before re-presentation, unless when on application the Secretary determines another holding period.
- 18.4 The unit must also be cleaned, sprayed with residual insecticide and re-presented for inspection and if an alternative unit is to be used it must be inspected prior to filling.
- 18.5 The goods must be inspected following treatment according to procedures specified in subclause 15.1 or 16.2 prior to the issue of an export permit or phytosanitary certificate.

Part 4 Bagged relevant goods being loaded into ships' holds

19 Inspection procedures

19.1 Subject to subclause 19.2, bagged relevant goods must be inspected using both of the following methods:

- (a) when inspecting the surfaces of bags:
 - (i) an approved inspector must inspect the surfaces either in stacks or during discharge from road or rail transport; and
 - (ii) the person responsible for the goods must render any assistance necessary to an approved inspector including lifting and restacking of the goods;
- (b) when inspecting the goods:
 - (i) the contents of bags must be inspected by drawing sub-samples using a suitable trier; and
 - (ii) samples obtained using a trier must be sieved for the purpose of detecting pests and contaminants.

19.2 For both the methods referred to in subclause 19.1, the following number of bags must be inspected:

- (a) 1 to 5 bags — the outside surfaces of each bag must be inspected and 1 sub-sample taken per bag;
- (b) 6 to 30 bags — at least every third bag and not less than 5 bags must have:
 - (i) the outside surface inspected; and
 - (ii) 1 sub-sample drawn from each;
- (c) 31 bags or more — at least every fifth bag and not less than 10 bags must have:
 - (i) the outside surface inspected; and
 - (ii) 1 sub-sample drawn from each.

19.3 Bags to be sampled and inspected must be chosen at random.

19.4 Sub-sampling of contents using a trier must be varied from the top, middle and bottom throughout bags sub-sampled.

20 Rejection procedures

20.1 In the case of pest infestation:

- (a) a nil tolerance must be applied for pests in bagged relevant goods irrespective of whether the pests are found on the outside of the bags or sieved from the samples; and
- (b) if bagged consignments are inspected in trucks or as palletised units and live pests are found only on the structure of the vehicles or pallets, the relevant goods on the truck or pallet must be rejected; and

- (c) if large bagged stacks are inspected in store and a light local infestation is discovered, loading from another part of the stack remote from the site of infestation may be permitted; and
- (d) all bags or pallets in physical contact with the infested bags or pallets, or all goods in the stack originating from the same storage unit or the same bagging plant, must be rejected; and
- (e) brushing of the outside of bags alone to remove insects is not acceptable for the purposes of these Orders.

20.2 In the case of contaminants, the tolerances in subclause 2.3 apply only to relevant goods as specified in column 2 of that subclause.

20.3 If, upon sieving a sample, a tolerance in subclause 2.3 is exceeded and the lot size is more than 33.33 t, further sampling must be carried out by an approved inspector to determine the distribution of the contamination throughout the stack.

20.4 An approved inspector must then decide how many 33 tonne lots to reject.

20.5 Bags must be free from extraneous matter that could contaminate or otherwise affect the condition of the relevant goods.

21 Rodents and rodent droppings in bagged shipments

21.1 The tolerances in subclauses 2.3 and 2.4 apply.

21.2 Palletisation of bagged relevant goods may not be permitted in areas where rodents are known to be present in plague numbers.

21.3 At ports in times of rodent plague or when palletised bagged relevant goods are delivered to a port from a rodent plague area, an approved inspector may have the palletised blocks broken down to facilitate a thorough inspection prior to loading into the ship.

Part 5 Bagged relevant goods being loaded into container system units

22 Procedures and rejection levels when inspecting during filling

When bagged relevant goods are being loaded into a container system unit, the procedures specified in Part 4 must be complied with.

23 Re-inspection if an exporter elects to treat rejected bags in a container system unit

If re-inspection of bagged relevant goods after treatment in a container system unit is required, the re-inspection must be in accordance with subclause 16.2.

24 Inspection of bags loaded in the absence of an approved inspector

- 24.1 All bagged relevant goods loaded into a container system unit in the absence of an approved inspector must be unloaded and inspected in accordance with clause 19.
- 24.2 The empty container system unit must be inspected and ordered to be treated in accordance with Part 2 of Schedule 5 if necessary.

Part 6 Relevant goods inspected for phytosanitary certification

25 Inspection

- 25.1 Inspection procedures for relevant goods being loaded in bulk into ships' holds and container system units must be carried out in accordance with Parts 2 and 3.
- 25.2 Inspection procedures for bagged consignments of relevant goods must be carried out in accordance with Parts 4 and 5.
- 25.3 If inspection is required for the purpose of issuing a phytosanitary certificate for re-export, inspection procedures must be the same as for the issue of a phytosanitary certificate.

26 Re-inspection of consignments where shipment delayed

- 26.1 Subject to subclause 26.2, re-inspection of a consignment after a period of 28 days from the original inspection has elapsed is required.
- 26.2 If a foreign country authority specifies a maximum time that may elapse between inspection and export and that time has elapsed before export takes place, an exporter may request a further inspection and issue of another certificate.
- 26.3 Re-inspection must be carried out by inspecting and sub-sampling surface layers without the need to discharge ships or container system units, except where the integrity of the consignment has not been maintained.

Part 7 Treatment of rejected relevant goods

27 Insect infestation

In the case of insect infestation — spraying must be carried out with an insecticide specified in subclause 28.1 or fumigation must be carried out with a fumigant specified in subclause 29.1.

28 Insecticides

- 28.1 If an insecticide is used, it must be:
- (a) registered for the particular use; and
 - (b) used in accordance with its registered label; and
 - (c) acceptable to the importing country.
- 28.2 Rejected goods treated with an insecticide must not be re-presented for inspection until after the exposure, airing periods and safety precautions specified on the registered label have been observed.

29 Fumigants, including controlled atmospheres

- 29.1 If a fumigant is used, it must be:
- (a) registered for the particular use; and
 - (b) used in accordance with its registered label; and
 - (c) acceptable to the importing country.
- 29.2 Relevant goods treated with fumigants must not be re-presented for inspection until after exposure, airing periods and safety precautions specified on the registered label have been observed.

30 Contaminants

- 30.1 For contaminants for which a nil tolerance applies, cleaning of the relevant goods must be carried out to remove the contaminating material, if the goods are to be re-presented for export.
- 30.2 For contaminants for which a numerical tolerance applies, cleaning or blending to below the permitted tolerance may be carried out.
- 30.3 If contamination has occurred on the outsides of bags or other packages, such contamination may be removed by brushing or other mechanical means.

31 Container system unit shipments

Treatment for relevant goods already loaded into a container system unit without discharge must be by way of fumigation of the container under gas-proof sheets or in another appropriate way.

Schedule 6A Inspection procedures for mung beans

(order 49.3A)

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Part 1 General

1 Sampling rate

Sub-samples of mung beans must be drawn from the consignment in a manner that ensures that the total quantity of mung beans inspected is:

- (a) in the same proportion to the total quantity of the consignment as 2.25 L is to 33.33 t; or
- (b) sufficient to enable an inspection to be made.

2 Nil tolerance for pests and certain contaminants

2.1 There is a nil tolerance for pests both:

- (a) in samples presented for inspection; and
- (b) on bags of mung beans presented for inspection.

2.2 There is a nil tolerance for the following contaminants:

- (a) live animals;
- (b) animal carcasses;
- (c) animal droppings;

both:

- (d) in samples presented for inspection; and
- (e) on bags of mung beans presented for inspection.

2.3 If during inspection pests are detected, the mung beans must be rejected in accordance with clause 6 or 12 as appropriate.

2.4 If during inspection contaminants for which there is a nil tolerance are detected, the mung beans must be rejected in accordance with clause 7 or 13 as appropriate.

2.5 If during inspection a contaminant other than a contaminant referred to in subclause 2.2 is detected, an approved inspector must:

- (a) if he or she considers the contamination to be heavy — cause the loading to be halted; and
- (b) in all cases — report the contamination to the person responsible for the mung beans.

3 Treatment or cleaning of rejected mung beans

3.1 If mung beans containing pests are rejected for reasons that will respond to treatment, an approved inspector must order treatment in accordance with Part 5, but the choice of treatment is the responsibility of the owner of the mung beans or the owner's agent.

3.2 If mung beans containing contaminants for which there is a nil tolerance are rejected for reasons that will respond to cleaning, an approved inspector must order cleaning in accordance with Part 5 but the method of cleaning is the responsibility of the owner of the mung beans or the owner's agent.

4 Site of inspection

The site of inspection must be in a position which is well lit, clean, clear of fumigant gases and convenient to approved inspectors with regard to ease of drawing and examining samples without risk to personal safety.

Part 2 Bagged mung beans

5 Inspection procedures for bagged mung beans being loaded into ships' holds or container system units

- 5.1 Subject to subclause 5.2, bagged mung beans being loaded into a ship's hold or a container system unit must be inspected using both of the following methods:
- (a) when inspecting the surfaces of bags:
 - (i) an approved inspector must inspect the surfaces either in stacks or during discharge from road or rail transport; and
 - (ii) the person responsible for the mung beans must render any assistance necessary to an approved inspector including lifting and restacking the mung beans;
 - (b) when inspecting the mung beans:
 - (i) the contents of bags must be inspected by drawing sub-samples using a suitable trier; and
 - (ii) the sub-samples must be sieved for the purpose of detecting pests or contaminants in the same manner as applies to mung beans in bulk under clause 11.
- 5.2 For both the methods referred to in subclause 5.1, the following number of bags must be inspected:
- (a) 1 to 5 bags — the outside surfaces of each bag must be inspected and 1 sub-sample taken per bag;
 - (b) 6 to 30 bags — at least every third bag and not less than 5 bags must have:
 - (i) the outside surface inspected; and
 - (ii) 1 sub-sample drawn from each;
 - (c) 31 bags or more — at least every fifth bag and not less than 10 bags must have:
 - (i) the outside surface inspected; and
 - (ii) 1 sub-sample drawn from each.
- 5.3 Bags to be sampled and inspected must be chosen at random.
- 5.4 Sub-sampling of contents using a trier must be varied from the top, middle and bottom throughout bags sub-sampled.

6 Rejection procedures if pests found in bagged mung beans being loaded into ships' holds or container system units

If when bagged mung beans are being loaded into a ship's hold or a container system unit, pests are found in samples of the mung beans or on bags of the mung beans presented for inspection, then:

- (a) if the consignments are inspected in a truck or as a palletised unit and the pests are found only on the structure of the vehicle or pallet, the mung beans on the truck or pallet must be rejected; and
- (b) if large bagged stacks are inspected in store and the infestation is light, loading from another part of the stack remote from the site of infestation may be permitted; and
- (c) all bags or pallets in physical contact with the infested bags or pallets, or all mung beans in the stack originating from the same storage unit or the same bagging plant, must be rejected.

7 Rejection procedures if contaminants for which there is nil tolerance found in bagged mung beans being loaded into ships' holds or container system units

7.1 Subject to subclause 7.2, if when bagged mung beans are being loaded into a ship's hold or a container system unit, a contaminant for which there is a nil tolerance is found in samples of the mung beans or on bags of the mung beans presented for inspection, then the entire lot must be rejected, including any goods already loaded and any goods still in store.

7.2 If:

- (a) the consignment of the mung beans comprises more than one lot; and
- (b) the person responsible for the mung beans satisfies an approved inspector that:
 - (i) the contamination is confined to a particular lot or lots; and
 - (ii) the remainder of the consignment has not been cross-contaminated;

then only the contaminated lot or lots will be rejected.

8 Inspection of container system units for bagged mung beans

8.1 Before bagged mung beans are loaded into a container system unit, the empty unit must be inspected, and if necessary treated, in accordance with Part 2 of Schedule 5.

8.2 If bagged mung beans have been loaded into a container system unit in the absence of an approved inspector:

- (a) they must be unloaded; and
- (b) the empty unit must be inspected, and if necessary treated, in accordance with Part 2 of Schedule 5; and
- (c) the unloaded bags of mung beans must be inspected in accordance with clause 5 and:
 - (i) if pests are found — the rejection procedures specified in clause 6 apply; or

- (ii) if contaminants for which there is a nil tolerance are found — the rejection procedures specified in clause 7 apply.

9 Palletised mung beans in rodent plague areas

- 9.1 An approved inspector may determine that palletisation of mung beans is not permitted in areas where rodents are known to be present in plague numbers.
- 9.2 At ports in times of rodent plague or when palletised bagged mung beans are delivered to a port from a rodent plague area, an approved inspector may have the palletised blocks broken down to facilitate a thorough inspection prior to loading into a ship or container system unit.

Part 3 Mung beans in bulk

Division 1 Mung beans in bulk being loaded into ships' holds

10 Method of manual sampling

- 10.1 Sub-samples taken manually must be drawn from:
- (a) the stream on the conveyor belt as close to the valve of the cell as practicable; or
 - (b) the commodity as it falls from the belt or bin; by dipping a 0.25 L dipper into the stream or product.
- 10.2 The contents of the dipper must be transferred to the sieve and the procedure repeated until 2.25 L has been transferred, whereupon the contents must be sieved.

11 Sieving and inspection of the sample

- 11.1 The sieve must be shaken a sufficient number of times to allow all insects in the sample to pass through the screen into the pan beneath.
- 11.2 The product remaining above the screen must be examined for insect stages, or for contaminants for which there is a nil tolerance, that are too large to pass through the mesh.
- 11.3 After examination, the sieved product must be returned to the stream and the contents of the pan examined for live insects or for contaminants for which there is a nil tolerance.
- 11.4 If the use of automatic samplers and mechanical shakers or other mechanical sieving devices has been approved, they must be operated according to the approval.

12 Rejection procedures if pests found in stream from storage cell to ship

- 12.1 In the case of sampling undercell — if pests are found in a sample taken at the inspection point in the undercell area, then the standard procedure must be as follows:
- (a) the cell or cells from which the mung beans are being drawn must be closed immediately;
 - (b) the shipping belt must be stopped;
 - (c) all mung beans in the conveying system up to and including the weigher must be returned to storage for treatment;
 - (d) in establishments where blister or overflow bins are in use, mung beans from these cells must be returned to storage for treatment;
 - (e) if delay occurs in halting the flow, it may be necessary to reject an appropriate quantity of mung beans from the conveyor belt system beyond the weigher.
- 12.2 In the case of sampling on the shipping belt or its equivalent at those establishments where mung beans are sampled at a point beyond the bottom garner on a conveyor feeding the shipping belt or on the shipping belt itself — the standard procedure must be that, if pests are detected in a sample, all mung beans on the shipping belt must be rejected and returned without further inspection.
- 12.3 In the case of sampling from a horizontal storage where it is intended to move mung beans directly from the storage to a ship — arrangements must be made with the person responsible for the mung beans to inspect the mung beans in the storage prior to the commencement of loading and if:
- (a) pests are found, the sections of the storage which are infested must be rejected until effectively treated; and
 - (b) it is apparent that pests are widespread, no further inspection is to be made until the mung beans have been effectively treated.
- 12.4 If the mung beans are being drawn from horizontal storages the following procedures must be applied:
- (a) if only 1 valve is open and pests are found in a sample:
 - (i) the valve from which the mung beans are being drawn must be closed immediately; and
 - (ii) the shipping belt must be stopped; and
 - (iii) all mung beans up to and including the top garner and weigher must be returned to storage for treatment; and
 - (iv) in establishments where blister or overflow bins are in use, mung beans from these cells must be returned to storage for treatment; and
 - (v) if sampling is being undertaken on the shipping belt, the rejection procedure in subclause 12.2 applies; and

- (vi) sufficient mung beans to fill a main silo cell may then be run into storage for treatment along with the rejected mung beans from the conveyor and weigher systems, and loading recommenced from the same valve; and
 - (vii) if pests are again found in a sample from this valve, then procedures specified in subparagraphs (i) to (v) must be followed and loading recommenced from the fourth valve along, leaving 3 unopened valves in either direction, and rejection procedures at this and subsequent valves must be as specified in subparagraphs (i) to (vi); and
 - (viii) if sufficient mung beans to fill a main silo cell cannot be moved for treatment due to lack of storage space, then the valve must be closed and discharge continued from the fourth valve along; and
 - (ix) if a valve is being fed by front-end loaders from each side and the pests are detected below the valve, then mung beans from both sides must be rejected;
- (b) if more than 1 valve is open and pests are detected in a sample:
- (i) all valves from which the mung beans are being drawn must be closed immediately; and
 - (ii) the shipping belt must be stopped; and
 - (iii) all mung beans up to and including the top garner and weigher must be rejected and returned to storage for treatment; and
 - (iv) in establishments where blister or overflow bins are in use, mung beans from these cells must also be returned to storage for treatment; and
 - (v) if sampling is being undertaken on the shipping belt, the rejection procedure in subclause 12.2 applies; and
 - (vi) sufficient mung beans to fill a main silo cell may be run from each valve and placed in store for treatment; and
 - (vii) each valve must then be reopened and may continue to be run unless further pests are detected; and
 - (viii) if further infestation is found in samples from 1 of the valves, all valves must be closed and the rejection procedures specified in subparagraphs (ii) to (v) applied; and
 - (ix) discharge must then be continued from a point or points at least 3 valves distant from valves previously open.

12.5 In the case of sampling at bagging establishments, where mung beans are being sampled in bulk prior to bagging and pests are found, an approved inspector must reject the source of the supply of mung beans to the bagging establishment and must direct treatment to be carried out at that source.

13 Rejection procedures if contaminants for which there is nil tolerance found in stream from storage cell to ship

13.1 In the case of sampling undercell — if contaminants for which there is a nil tolerance are found in a sample taken at the inspection point in the undercell area, then the standard procedure must be as follows:

-
- (a) the cell or cells from which the mung beans are being drawn must be closed immediately and the mung beans remaining in the cell or cells must be rejected;
 - (b) the shipping belt must be stopped and all mung beans on the shipping belt must be rejected;
 - (c) all mung beans in the conveying system up to and including the weigher must be rejected;
 - (d) in establishments where blister or overflow bins are in use, mung beans from these cells must be rejected;
 - (e) mung beans that are already loaded into the ship's hold must be rejected.
- 13.2 In the case of sampling on the shipping belt or its equivalent at those establishments where mung beans are sampled at a point beyond the bottom garner on a conveyor feeding the shipping belt or on the shipping belt itself — the standard procedure must be that, if contaminants for which there is a nil tolerance are detected in a sample, all mung beans:
- (a) on the shipping belt; or
 - (b) in the conveying system; or
 - (c) already loaded into the ship's hold;
- must be rejected and the source of the supply of the mung beans must also be rejected.
- 13.3 In the case of sampling from a horizontal storage where it is intended to move mung beans directly from the storage to a ship — arrangements must be made with the person responsible for the mung beans for an approved inspector to inspect the mung beans in the storage prior to the commencement of loading and, if contaminants for which there is a nil tolerance are found, the entire storage must be rejected.
- 13.4 If the mung beans are being drawn from horizontal storages and contaminants for which there is a nil tolerance are found in a sample, the following procedures must be applied:
- (a) the valve or valves from which the mung beans are being drawn must be closed immediately;
 - (b) the shipping belt must be stopped;
 - (c) all mung beans up to and including the top garner and weigher must be rejected;
 - (d) in establishments where blister or overflow bins are in use, mung beans from these cells must be rejected;
 - (e) if sampling is being undertaken on the shipping belt, the rejection procedure in subclause 13.2 applies;
 - (f) the source of the supply of the mung beans must be rejected;
 - (g) mung beans that have already been loaded must be rejected.

- 13.5 In the case of sampling at bagging establishments, where mung beans are being sampled in bulk prior to bagging and contaminants for which there is a nil tolerance are found, an approved inspector must reject the source of the supply of mung beans to the bagging establishment and must direct cleaning to be carried out at that source.

14 Undue delay after detecting pests, or contaminants for which there is a nil tolerance

Should unnecessary delay occur between the discovery of pests, or contaminants for which there is a nil tolerance, and stopping of the stream flow, an export permit or phytosanitary certificate must not be issued for that tonnage of mung beans loaded after rejection was notified to a responsible person, unless the mung beans are discharged.

15 Method of rejecting

- 15.1 Due to differences in construction and operation of registered establishments the Secretary may determine variations to the rejection procedures specified in clause 12 or 13, as the case may be.
- 15.2 If blending is being carried out during the pre-weighing or loading of a ship and blended mung beans are rejected, all cells or other sources feeding the blend must be included in the rejection.
- 15.3 Upon rejection an approved inspector must notify a responsible person on an approved form that treatment or cleaning, as the case may be, of the rejected mung beans is required, and that person must return the form, giving details of the treatment or cleaning carried out, before the mung beans are re-presented for inspection.
- 15.4 The Secretary may determine the maximum number of rejections that may be made during the loading of a ship.

16 Screening of mung beans

- 16.1 Screening of mung beans during loading for the removal of live insects is not permitted.
- 16.2 Where mung beans that an approved inspector considers have been screened to remove insects are presented for inspection, the approved inspector must reject the mung beans.
- 16.3 Mung beans must be screened to remove large contaminants when automatic sampling is in use.
- 16.4 For the purpose of subclause 16.3, screenings must be available for examination by an approved inspector during and at the end of each working day.

17 Sampling of mung beans by persons other than approved inspectors

If a person other than an approved inspector draws samples of mung beans, the person must inform an approved inspector on finding pests, or contaminants for which there is a nil tolerance, in any sample or sub-sample.

Division 2 Mung beans in bulk being loaded into container system units

18 Inspection of mung beans in bulk being loaded into container system units

18.1 At establishments where container system units are being filled directly from holding bins, the mung beans may be:

- (a) sampled from the stream as it enters the units; or
- (b) sampled elsewhere in the stream path so long as, prior to the commencement of loading on the day concerned, the whole pathway forward of the sampling point to the point of loading was inspected and found to be free of a risk of contaminating the mung beans.

18.2 At establishments handling mung beans in bulk, inspection must follow the same procedures as apply under Division 1 in relation to the loading of mung beans in bulk into ships' holds.

18.3 The presence of pests, or contaminants for which there is a nil tolerance, in or on a container system unit or the mung beans must lead to rejection, in which case the rejection procedures specified in Division 1 apply as if:

- (a) the mung beans were being loaded into a ship's hold; and
- (b) the mung beans were being conveyed on a shipping belt.

19 Inspection of mung beans in bulk in container system units filled in the absence of an approved inspector

19.1 Inspection of mung beans in container system units must take place at the time of the filling of the units but, if this would involve the carrying out of an inspection at a registered establishment in a remote location, the mung beans may be inspected, in accordance with subclause 19.2, at a registered establishment when the units arrive at a port or metropolitan area.

19.2 An approved inspector must:

- (a) check that the container system unit has passed inspection by noting the presence of an 'Inspected' sticker and confirming that the number of the unit is on the checklist provided by the office responsible for the inspection; and
- (b) check that any bulkhead fitted into the container system unit is clean, sound and free from pests, or contaminants for which there is a nil tolerance, and that there are no pests, or contaminants for which there is a nil tolerance, around the doors or bulkhead; and

- (c) in the case of general purpose container system units, ensure that there is headroom of at least 900 mm over all of the bulk, or sufficient headroom to enable the withdrawal of sub-samples by vacuum probe or other appropriate equipment; and
- (d) sub-sample or have sub-samples drawn with a probe in a minimum of five places, specifically one in each corner and one in the centre of the container system unit, and the probe must be inserted to the bottom of the unit so that the sub-sample is a representation of the full depth of mung beans at that point.

20 Rejection procedures for mung beans in bulk in container system units filled in absence of approved inspector

- 20.1 For standard container system units filled with mung beans in bulk, a headroom of less than 900 mm must lead to rejection unless appropriate vacuum sampling can be carried out.
- 20.2 If a container system unit was not inspected and passed prior to filling, the entire load must be discharged, the unit must be inspected after the load has been discharged and the mung beans must be inspected during refilling.

Part 4 Inspection of mung beans for phytosanitary certification

21 Inspection of mung beans for phytosanitary certification

- 21.1 Inspection and rejection procedures for bagged consignments of mung beans requiring phytosanitary certification must be carried out in accordance with Part 2.
- 21.2 Inspection and rejection procedures for consignments of mung beans in bulk requiring phytosanitary certification must be carried out in accordance with Part 3.
- 21.3 If inspection is required for the purpose of issuing a phytosanitary certificate for re-export, inspection procedures must be the same as for the issue of a phytosanitary certificate.

22 Re-inspection of consignments where shipment delayed

- 22.1 Subject to subclause 22.2, re-inspection of a consignment after a period of 28 days from the original inspection has elapsed is required.
- 22.2 If a foreign country authority specifies a maximum time that may elapse between inspection and export and that time has elapsed before export takes place, an exporter may request a further inspection and issue of another certificate.
- 22.3 Re-inspection must be carried out by inspecting and sub-sampling surface layers without the need to discharge ships or container system units, except where the integrity of the consignment has not been maintained.

Part 5 Treatment or cleaning of mung beans and their re-presentation

23 Treatment of mung beans

- 23.1 Mung beans rejected for pests are not to be re-presented for inspection unless they have been treated in such a way that they meet conditions for export.
- 23.2 If an insecticide or fumigant is used for the purposes of subclause 23.1, it must be:
- (a) registered for the particular use; and
 - (b) used in accordance with its registered label; and
 - (c) acceptable to the importing country.
- 23.3 Rejected mung beans treated with an insecticide or fumigant must not be re-presented for inspection until after the exposure, airing periods and safety precautions specified on the registered label have been observed.
- 23.4 In the case of bagged mung beans, brushing of the outside of the bag alone to remove pests is not acceptable for the purpose of these Orders.
- 23.5 Blending of mung beans rejected for pests is not permitted.

24 Treatment of mung beans in bulk in a container system unit

- 24.1 Despite clause 3, if mung beans in bulk loaded into a container system unit have been rejected for insect infestation, any treatment of the mung beans without discharge must be by way of fumigation.
- 24.2 Following treatment, the mung beans must be discharged or, if appropriate, part-discharged for re-inspection in accordance with subclause 19.2 prior to the issue of an export permit or phytosanitary certificate.

25 Cleaning of mung beans to remove contaminants

- 25.1 Mung beans rejected for the presence of contaminants for which a nil tolerance applies are not to be re-presented for inspection unless they have been cleaned in such a way that they meet conditions for export.
- 25.2 In the case of bagged mung beans, brushing of the outside of bags alone to remove the contaminants is not acceptable for the purposes of these Orders.
- 25.3 Blending of mung beans rejected for contaminants for which a nil tolerance applies is not permitted.

26 Re-presentation of mung beans for inspection after treatment or cleaning

Re-presented mung beans must be inspected according to Part 2 for bagged mung beans or Part 3 for mung beans in bulk and must be rejected if any conditions for export are not met.

Schedule 7 Requirements relating to issuing of phytosanitary certificate

(order 49.4)

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1 Inspection

For the purposes of the issuing of a phytosanitary certificate, inspection must be carried out by an approved inspector.

2 Certification

Phytosanitary certificates may be altered by an authorised officer and, if an alteration is made, the authorised officer must sign the certificate adjacent to the alteration and:

- (a) insert beneath that signature that officer's identity card number; or
- (b) apply in close proximity to that signature an impression of the Departmental seal.

3 Responsibility of exporter

- 3.1 The exporter must request the necessary inspection and certification if an importing country authority so requires.
- 3.2 It is the responsibility of the exporter to comply with the requirements of the importing country authority and the authorities of any country through which the consignment may transit or trans ship.

4 Conditions of issuance

- 4.1 Certification must be provided if it can be verified that an importing country requirement for such certification exists.
- 4.2 Certificates must be addressed to an importing country authority unless the Secretary determines otherwise.
- 4.3 Phytosanitary certificates must not be issued or used for commercial purposes but they may include details of an associated Letter of Credit number, date and the party to whom the Letter of Credit is given.

5 Forms of certificates

- 5.1 Subject to subclause 5.3 or 5.4, the form of certificate must be the international model specified by the IPPC.
- 5.2 Subject to subclause 5.3 or 5.4, in the case of re-exports the IPPC model re-export certificate must be used.
- 5.3 Aligned format certificates may be used.
- 5.4 Bilingual and trilingual certificates must only be used to meet the specific requirements of a foreign country authority.

6 Importing country requirements

- 6.1 If a phytosanitary certificate is required but an importing country authority has not prescribed specific conditions for the goods concerned, an approved inspector must regard all detected pests as injurious for the purposes of phytosanitary inspection.
- 6.2 The Secretary must determine whether certificates should be issued in cases where information on the requirements of an importing country authority are not known.

7 Name of approved inspector

- 7.1 The name of an approved inspector must be typed or written in block letters on the certificate.
- 7.2 If the consignment was inspected by more than one approved inspector, the name of the most senior approved inspector must be used on the certificate.

8 Disinfestation or disinfection treatment

- 8.1 Treatments not supervised by an approved inspector may be added to the certificate if the exporter submits a written declaration certifying the details of the treatment carried out.
- 8.2 If plants or plant products are not to be subject to treatment, the relevant section on the certificate must be ruled over.

9 Additional declarations

- 9.1 Additional declarations relating to such matters as:
- (a) freedom from weed seeds;
 - (b) specific pests; or
 - (c) pest or fumigation treatment applied;
- may be included when such declarations are specified by an importing country authority, or are included in import permits, and when the matter can be verified by an approved inspector.
- 9.2 If no requirement for an additional declaration appears in the requirements of an importing country authority, evidence from that authority must be produced before consideration can be given to its endorsement.
- 9.3 If no additional declarations are given, the space provided in a phytosanitary certificate must have typed or written in it 'no additional declaration', or be ruled over, or both.

10 Signature

- 10.1 All certificates issued, including any copies of those certificates, must bear an authorised officer's signature and the Departmental seal.

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- 10.2 When certificates are signed by an authorised officer other than the person who inspected the goods, records must exist to confirm inspection of the goods and that the matters attested to in the certificate are correct.

11 Other endorsements

- 11.1 If an importing country authority requires endorsement of phytosanitary certificates by its representatives in Australia as a precondition for import of the goods to which the certificate relates, adequate time must be allowed for inspection prior to shipment.
- 11.2 Phytosanitary certificates must not be submitted to a commercial body for endorsement.

12 Description of the consignment

- 12.1 Sufficient detail must be provided in a certificate to allow the consignment to be readily identified.
- 12.2 Container system unit numbers must be included.
- 12.3 Import and export permit numbers may be indicated if these are known.
- 12.4 When a separate sheet is used for additional information, it must be securely attached to the certificate and the number of the phytosanitary certificate and the name of the exporter must be shown on it.
- 12.5 If a separate sheet or the back of the form is used for additional information, it must be stamped and signed by the same authorised officer who signs the certification on the form.
- 12.6 When all details specified in subclauses 12.1 to 12.5 (inclusive) have been completed, each column entry must be ruled off before an authorised officer signs the certificate.

13 Name of goods

- 13.1 Both the common and botanical name of the goods must appear on the certificate for horticulture produce and seeds.
- 13.2 Botanical names must also be used for grain for human consumption or for use as animal food.
- 13.3 If for miscellaneous goods of complex composition a botanical name is not appropriate, a general term or the description appearing on the packages may be used.

14 Consignee's name and address

The name and address of the consignee must be specified on the certificate when possible but, if the consignee is not known, 'To order' is to be specified.

15 Point of entry

The point of entry must be specific to the country of import and, if possible, the actual port of importation.

16 Quality statements

Information such as details of purity and viability of seeds or statements attesting to the quality of the goods must not be included, unless required by the importing country authority.

17 Number of copies to be issued

- 17.1 The original of the phytosanitary certificate must be used for the goods.
- 17.2 Additional certified copies of the phytosanitary certificate may be provided to the exporter, at the discretion of the Secretary.

18 Copy required by the Secretary

- 18.1 A copy of each phytosanitary certificate must be forwarded to the Secretary.
- 18.2 A copy of an import permit issued by an importing country authority must be forwarded with the phytosanitary certificate to the Secretary.

19 Re-exports from Australia

- 19.1 Re-export phytosanitary certificates must be issued for prescribed goods re-exported from Australia if phytosanitary certification is required by an importing country authority and:
 - (a) the goods are accompanied by a phytosanitary certificate issued by the country of origin and complying with the requirements of a foreign country authority;
 - (b) the identity of the goods can be established; and
 - (c) the consignment has not been exposed to infestation while in Australia.
- 19.2 Re-export certificates must not be issued for products rejected under the *Quarantine Act 1908* for entry into Australia unless the products meet the requirements of the importing country.
- 19.3 If imported goods in transit or in bond through Australian ports en route to other destinations have not been formally cleared as imports into Australia, they will not be issued with a re-export phytosanitary certificate.
- 19.4 If imported goods are subsequently exported as part of a larger consignment containing Australian prescribed goods, the goods may be covered under the general phytosanitary certificate issued for the consignment, provided that:
 - (a) any additional declarations required by an importing country authority can be satisfied by product inspection; and
 - (b) the certificate indicates that the consignment is a product of Australia and the other country.

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- 19.5 If the additional declaration requires endorsements relating to growing conditions or treatments in the original exporting country, certification must not be provided and recourse must be had to the full re-export requirements of the IPPC.
- 19.6 If imported goods not accompanied by a phytosanitary certificate are to be exported, a re-export phytosanitary certificate must be issued for the goods provided that:
- (a) a reference to the phytosanitary certificate of the country of origin is deleted from the re-export phytosanitary certificate; and
 - (b) the words 'Phytosanitary Certificate from the Country of Origin not Available' are appended to the certifying statement; and
 - (c) the amendments in paragraphs (a) and (b) are subject to the provisions of paragraphs 2 (a) and (b) of this Schedule; and
 - (d) an exporter declares the country of origin of the goods; and
 - (e) no additional declaration is given which cannot be verified by an authorised officer.

20 Re-inspection of delayed consignments

- 20.1 Re-inspection of prescribed goods is necessary if:
- (a) the time between inspection and export exceeds 28 days; or
 - (b) the maximum time between inspection and export permitted by the importing country is exceeded.
- 20.2 If the period exceeds 28 days, re-inspection must be carried out to assess whether the originally issued certificate remains valid.
- 20.3 If delays are likely to occur in the shipment of consignments after phytosanitary inspection has taken place, appropriate measures must be instituted by the exporter to ensure that the goods are not subject to infestation or infection (including cross-infestation or cross-infection) or, in the case of prescribed grain and prescribed goods for consumption, contamination before shipment.
- 20.4 If, after re-inspection in accordance with subclause 20.2, the original phytosanitary certificate is not valid, the exporter must surrender all copies of the certificate to an authorised officer.
- 20.5 If re-inspection is requested by the exporter, the consignment must be re-inspected if all copies of the original phytosanitary certificate are surrendered to an authorised officer.

Table of Instruments

Notes to the *Export Control (Plants and Plant Products) Orders 2005***Note 1**

The *Export Control (Plants and Plant Products) Orders 2005* (in force under regulation 3 of the *Export Control (Orders) Regulations 1982*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
<i>Export Control (Plants and Plant Products) Orders 2005</i>	4 Mar 2005 (see F2005L00523)	1 July 2005	
<i>Export Control (Plants and Plant Products) Amendment Orders 2005 (No. 1)</i>	29 June 2005 (see F2005L01836)	1 July 2005	—
<i>Export Control (Plants and Plant Products) Amendment Orders 2006 (No. 1)</i>	17 Aug 2006 (see F2006L02713)	18 Aug 2006	—
<i>Export Control (Plants and Plant Products) Amendment Orders 2006 (No. 2)</i>	30 Nov 2006 (see F2006L03929)	1 Dec 2006	—
<i>Export Control (Plants and Plant Products) Amendment Orders 2007 (No. 1)</i>	10 Sept 2007 (see F2007L03556)	1 Nov 2007	—

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 1	
O. 3.1	am. 2007 No. 1
O. 4.1	am. 2005 No. 1; 2007 No. 1
Part 2	
O. 6.1	am. 2005 No. 1
O. 6.2	am. 2005 No. 1
Part 3	
O. 7.1	am. 2007 No. 1
O. 7.3	ad. 2007 No. 1
Part 4	
O. 10.1A.....	ad. 2006 No. 2
O. 10.1B.....	ad. 2006 No. 2
O. 10.3.....	ad. 2007 No. 1
O. 14A.....	ad. 2007 No. 1
Part 5	
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O. 44	am. 2005 No. 1
O. 46.1	am. 2005 No. 1
O. 46.1A.....	ad. 2006 No. 1
O. 46.2	am. 2005 No. 1
Part 7	
O. 48	am. 2007 No. 1
O. 49.3A.....	ad. 2007 No. 1
O. 50	am. 2005 No. 1
Part 8	
O. 51	am. 2005 No. 1
Part 10	
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