



Export Control (Plants and Plant Products) Order 2011

Export Control (Orders) Regulations 1982

I, JOSEPH WILLIAM LUDWIG, Minister for Agriculture, Fisheries and Forestry, make the following Order under regulation 3 of the *Export Control (Orders) Regulations 1982*.

Dated 22 September 2011

JOSEPH WILLIAM LUDWIG
Minister for Agriculture, Fisheries and Forestry

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Reader's guide

1. This Order sets out the arrangements for the export of plants and plant products. It is made under regulation 3 of the *Export Control (Orders) Regulations 1982*.
2. This Reader's Guide is not part of the Order, and is provided as a general guide only.
3. This Order applies to the export of prescribed goods, which are:
 - grain listed as prescribed grain
 - fresh fruit and fresh vegetables
 - hay and straw
 - any other plants and plant products where a phytosanitary certificate or some other official certificate is required by an importing country.
4. This Order deals with the general conditions that apply when exporting plants and plant products (Part 2). It also deals with the preparation of goods for export in a registered establishment (Part 3), the process for ensuring that the goods are export compliant (Part 5), and the process for ensuring that the packages, containers, or vessels in which the goods are being exported are suitable and that the goods are appropriately described (Parts 6, 7, 8 and 9). The remaining parts deal with introductory matters such as definitions (Part 1), the lodging of a notice of intention to export (Part 4), the issuing of export permits (Part 10), phytosanitary certificates and other certificates (Part 11), and miscellaneous matters including audits (Part 12).
5. This Order is not the whole of Australian law regarding the export of plants and plant products. This Order is made under the *Export Control Act 1982* and the *Export Control (Orders) Regulations 1982*. It is also necessary to be familiar with some parts of the *Export Control (Prescribed Goods - General) Order 2005* and the *Export Control (Fees) Orders 2001*.
6. This Order describes the inspection and approval functions that an authorised officer may undertake. An authorised officer is a person appointed under section 20 of the *Export Control Act 1982*. An authorised officer's instrument of appointment lists the specific functions they are authorised to perform and the specific powers they can exercise.

7. A reference in this Order to an approval, certificate, authorisation or permission does not necessarily mean that a separate hard-copy document must be created. It may be an approval in electronic form and may be part of a related document such as a record of inspection.
8. From time to time the Department of Agriculture, Fisheries and Forestry (DAFF) publishes material that assists in interpreting this Order and describes how DAFF intends to carry out its functions. This includes specifying minimum standards for DAFF services where these are not specified in this Order.

Conditions on export of prescribed goods

9. The export of prescribed goods is prohibited unless all of the following conditions are met:
 - i. the goods have been prepared for export in a registered establishment
 - ii. the exporter has lodged a notice of intention to export the goods
 - iii. the goods have been passed as being export compliant after an authorised officer has inspected them and found them to be free from pests and contaminants
 - iv. the container or bulk vessel in which the goods will be exported has been approved for loading after an authorised officer has inspected it and found it to be free from pests and contaminants, and in the case of a bulk vessel, a marine surveyor has also inspected it and found it to be suitable for carrying the goods
 - v. any trade description and packaging associated with the goods has been verified as complying and an export permit has been issued
 - vi. if a phytosanitary certificate or other certificate is required by the importing country, this has been issued after the goods have been inspected and found to meet the requirements for that certificate.
10. If any of the approvals mentioned above expire or are withdrawn due to a change in the condition of the goods, establishment, container or vessel, the goods cannot be exported until all approvals are in place again.

Registered establishments

11. A registered establishment is a place where goods are prepared for export. It must be designed and operated so that any goods held there remain free from pests and other contamination.
12. The operator of a registered establishment must keep records of any cleaning and pest control done there for at least two years, as well as records of all goods received and loaded.
13. Once the process of preparing goods for export begins, the goods can only be moved to another registered establishment in accordance with instructions from an authorised officer.

Export compliant goods

14. An authorised officer can pass goods as export compliant if the goods have been found to be:
 - free from pests
 - free from contaminants and
 - in a condition that allows any required phytosanitary or other certificate to be issued.
15. Unless otherwise specified by DAFF, goods are considered to be free from pests and contaminants if they do not contain:
 - live pest infestations
 - vermin, including rodents, and their waste
 - pests or contaminants above the levels specified by the relevant importing country.

Packages, containers and vessels

16. In this Order, “container” means a shipping container or any other unit of cargo handling equipment designed to protect goods being exported.

17. Goods can only be loaded into a container after an authorised officer has inspected the container and found it to be free from contamination, pests, or any source of contamination or pests.
18. If a container is not loaded with goods immediately after it has been inspected, it must be sealed with a tamper-evident seal. The seal must remain intact until immediately before the container is loaded with goods.
19. Before a vessel can be used for transporting goods in bulk, both a marine surveyor and an authorised officer must inspect it. The marine surveyor must be satisfied that the area for carrying the goods is suitable and that the goods will not become contaminated, wet, or odourised. The authorised officer must be satisfied that the hold and any other cargo on the vessel is free from any source of contamination or pests.
20. If an authorised officer rejects a container, a bulk vessel or a consignment of goods due to contamination or pests, the exporter is responsible for deciding how to treat it before resubmitting it for inspection. When resubmitting the container, bulk vessel or consignment of goods for inspection, the exporter must report the treatment that was applied.
21. Goods can only be packed in packaging for export after they have been passed as export compliant; if goods are prepacked, they must be able to be removed from the packaging in a method that allows the authorised officer to inspect the goods or take appropriate samples. This method must be one which is approved by the Secretary. The packaging material must be able to protect the goods from damage, pests or contaminants. The packaging must be unused, or suitably cleaned if it is being reused.
22. Any trade description that accompanies goods must be adequate to identify the goods, it must accurately describe them, and it must contain any specific information that the importing country requires.

Export permits, phytosanitary certificates and other certificates

23. An export permit can be issued once an authorised officer is satisfied that all the conditions in this Order have been complied with.
24. If a phytosanitary or other certificate is required by an importing country, it is the responsibility of the exporter of the goods to request it.

25. The exporter must provide an authorised officer with the details of what the importer requires to be certified on the certificate, as well as any supporting information, such as certificates of analysis or treatment for the goods.

Penalties

26. Offences listed in the *Export Control Act 1982* apply to this Order, and attract penalties that include fines or imprisonment for up to five years.

27. Some offences in the *Criminal Code Act 1995*, such as bribing a Commonwealth public official or forging official documents, are also relevant to activities under this Order. Serious penalties apply to these offences as well.

Part 1 Preliminary

1 Name of Order

This Order is the *Export Control (Plants and Plant Products) Order 2011*.

2 Commencement

This Order commences on the day after it is registered.

3 Declaration of prescribed goods (section 3 of the Act)

The following are declared to be prescribed goods for the definition of *prescribed goods* in section 3 of the Act:

- (a) prescribed grain;
- (b) hay and straw;
- (c) fresh fruit;
- (d) fresh vegetables;
- (e) plants or plant products for which a phytosanitary certificate or any other official certificate is required by an importing country authority.

4 Order to be read with Prescribed Goods (General) Order

This Order is read as one with the General Order.

Note: The General Order provides for matters including:

- certain general exemptions (Part 2);
- specific exemptions granted by the Secretary (Part 3);
- registration of registered establishments (Part 4);
- electronic transmission of documents (Part 5);
- export permits (Part 6);
- certificates (Part 8);
- official marks (Part 13);
- sampling and analysis (Part 14).

5 Interpretation

5.1 In this Order, unless the contrary intention appears:

Act means the *Export Control Act 1982*.

approved means approved by the Secretary by instrument in writing.

Note: This can include writing in electronic form. An approved form is a document in either paper or electronic format approved by the Secretary.

authorised officer, in a provision of this Order, means a person who has been appointed under section 20 of the Act as an authorised officer for that provision in the relevant circumstances.

bulk vessel means a ship in which it is intended to transport prescribed goods in bulk.

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

container means a container for prescribed goods that:

- (a) is designed for use as a unit of cargo handling equipment in the transport of the goods by aircraft or ship, including a shipping container; and
- (b) effectively protects the goods from relevant pests and contamination; and
- (c) is intended to be used for goods that require the protection offered by the containers because they are not in smaller quantities in protective packaging.

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

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, phytoplasma, parvo-virus, virus or other parasite.

export compliant—see section 17.

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 dioxide), smoke generators, fogging or spraying.

General Order means the *Export Control (Prescribed Goods — General) Order 2005*.

hay and straw means a pasture or cereal plant, (whether whole or after harvesting seed) that is cut and dried.

importing country authority for a consignment of goods, means the authority which is responsible for regulating the import of goods into the country to which they are being exported.

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

marine surveyor means a surveyor who is qualified in accordance with Schedule 1.

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

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

Section 6

- (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.

passed as export compliant—see section 17.

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 an importing country authority.

prescribed goods means the goods declared to be prescribed goods by section 3.

prescribed grain—see section 6.

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

registered establishment means premises registered under the General Order for the preparation of prescribed goods within the meaning of this Order.

treatment means any treatment that is useful or necessary for the control or eradication of pests, including:

- (a) any dismantling, repairing, cleaning or deodorising; or
- (b) the application of any substance; or
- (c) fumigation; or
- (d) the controlling of atmosphere or temperature; or
- (e) repacking.

- 5.2 If in this Order the words ‘*Penal provision*’ are set out at the foot of a provision of a section, 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*.

6 Meaning of *prescribed grain*

- 6.1 For this Order, the following are ***prescribed grain***:

- (a) ***barley***—whole grain of *Hordeum vulgare* (whether 2-row or 6-row), but not including hulled, milled or malted grain of that kind;
- (b) ***canola***—whole seed of *Brassica napus* var; *napus* cv; ‘Canola’;
- (c) ***chickpeas***—seed (whole or split) of *Cicer arietinum*;
- (d) ***dried field peas***—dried seeds of the species *Pisum sativum* that are angular or spherical in shape, and not of the varieties known as processing peas, vegetable peas, garden peas or peas in pod;

- (e) ***faba beans***—seed (whole or split) of *Vicia faba*;
- (f) ***lentils***—seed (whole or split) of *Lens culinaris*;
- (g) ***lupins***—seed (whole or split) of *Lupinus angustifolius* or *Lupinus albus*;
- (h) ***mung beans***—whole seeds of the species *Vigna radiata* or *Vigna mungo*, including varieties, and synonyms;
- (i) ***oats***—grain (whole or clipped) of *Avena sativa* or *Avena strigosa*, but not including rolled, crushed, milled, hulled or kiln-dried grain of that kind;
- (j) ***sorghum***—whole unmilled seed of *Sorghum bicolor*;
- (k) ***soybeans***—whole unmilled seed of *Glycine max*;
- (l) ***split vetch***—split seed of *Vicia sativa*;
- (m) ***wheat***—whole unmilled grain of *Triticum aestivum* or *Triticum durum* or *Triticum tauschii*;
- (n) ***whole vetch***—whole seed of *Vicia sativa*.

6.2 A reference to a species of plant in a paragraph of subsection 6.1 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 paragraph limits the reference to a particular subspecies, cultivar or cross.

7 Secretary may determine required tests and certificates

The Secretary may determine that specified tests or certificates are required for:

- (a) specified prescribed goods; or
- (b) specified prescribed goods for export to specified countries.

Part 2 Conditions on export of prescribed goods

8 No export unless this Order complied with

8.1 The export of prescribed goods (other than split vetch) is prohibited unless the conditions or restrictions specified in this Order are complied with.

8.2 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).

9 Basic conditions for export of prescribed goods

9.1 A consignment of prescribed goods must not be exported unless the conditions set out in the following subsections are met.

Registered establishment

9.2 The goods must have been prepared in a registered establishment in accordance with Part 3.

Inspection of goods

9.3 The goods must have been passed as export compliant in accordance with Part 5.

9.4 If a trade description is attached to the goods—the description must comply with Part 6.

Packages, containers and vessels

9.5 Any packaging or other material with the goods must comply with Part 6.

9.6 If the goods are to be exported in packages—the packages must comply with Part 7.

9.7 If the goods are to be exported in a container—an authorised officer must have inspected the container and issued a container approval in accordance with Part 8.

9.8 If the goods are to be exported in bulk in a bulk vessel:

(a) a marine surveyor must have inspected the vessel and issued a certificate in relation to the part where the goods will be stowed in accordance with Division 1 of Part 9; and

(b) an authorised officer must have inspected the vessel and issued a vessel approval in accordance with Division 2 of Part 9.

Notices, export permits and phytosanitary certificates

9.9 A notice of intention to export must have been lodged for the consignment in accordance with Part 4.

9.10 An authorised officer must have issued an export permit for the consignment in accordance with Part 10.

- 9.11 If a phytosanitary or other certificate is required for the goods—an authorised officer must have issued the certificate in accordance with Part 11.

Part 3 Registered establishments

10 Requirements for registered establishments

- 10.1 A person who wishes to apply for registration of an establishment for the preparation or inspection of prescribed goods within the meaning of this Order must comply with Schedule 3.

Note 1: Applications for registration are made under Part 4 of the General Order.

Note 2: Section 3 of the *Export Control Act 1982* contains a definition of preparation in relation to prescribed goods.

- 10.2 A registered establishment must be operated in accordance with Schedule 3.

Note: A failure to comply can lead to suspension or cancellation of registration (see Part 4 of the General Order).

11 Preparation and inspection must take place in registered establishment

Prescribed goods intended for export may not be presented for inspection under Part 5 unless:

- (a) they were prepared in a registered establishment; and
- (b) they are presented for inspection in a registered establishment.

12 Transport of prescribed goods

- 12.1 Goods may be transported between registered establishments only in accordance with orders and instructions from an authorised officer.
- 12.2 If prescribed goods are despatched to another registered establishment where the export permit is to be issued, a transfer certificate for the goods may be issued by an authorised officer in a form approved by the Secretary.
- 12.3 Goods being transported in accordance with this section are taken to be in a registered establishment.

13 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 keep, for at least two years, a record of:

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

Note: See clause 4 of Schedule 3 for record keeping requirements to be met by an occupier of a registered establishment.

Part 4 Notice of intention to export

14 Notice of intention to export prescribed goods

- 14.1 For section 6 of the Act, a notice of intention to export prescribed goods must:
- (a) be in an approved form; and
 - (b) identify the exporter; and
 - (c) specify the tests and certificates that are requested for the goods, as well as those that are required under section 7; and
 - (d) be completed by the exporter or an agent of the exporter in a manner that will enable an authorised officer to identify the goods; and
 - (e) be given to an authorised officer by a person who intends to export the goods in sufficient time to allow any necessary inspections and the issue of the export permit and any necessary certificates.
- 14.2 The notice of intention to export must include a declaration by the person giving notice:
- (a) that sections that apply to the goods have been complied with; and
 - (b) that the information contained in the notice is true and correct; and
 - (c) as to how conditions or restrictions imposed by the importing country in relation to the goods will be complied with.
- 14.3 The approved form may require any other information the Secretary considers relevant.

15 Exporter to be responsible for goods

The person identified as the exporter in a notice of intention to export is responsible for ensuring that sections that apply to the prescribed goods are complied with from the time the declaration specified in subsection 14.2 is made until the time the goods are exported.

16 Certificates of analysis

- 16.1 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 approved by the Secretary.
- 16.2 If the Secretary permits the analysis of a sample, the analysis must be made in accordance with an approved method.

Part 5 Inspection for export compliance

17 Inspection for export compliance

17.1 An authorised officer may declare a consignment of prescribed goods to be *passed as export compliant* if he or she is satisfied that:

- (a) the goods, together with the places and any bins, receptacles or elements of a transport system in which they are stored or carried:
 - (i) are free of pests, including any pest for which a declaration of freedom is required by any relevant importing country authority; and
 - (ii) contain no contaminants above the relevant levels specified in or under this Order; and
- (b) any necessary certificates under Part 11 can properly be issued in relation to the goods.

17.2 The authorised officer must satisfy himself or herself on the basis of inspection or sampling of the goods in accordance with Schedule 2 and, where necessary, re-inspection after treatments have been carried out.

17.3 The authorised officer must:

- (a) specify a period of not more than 28 days during which the goods may remain passed as export compliant; and
- (b) make a record in a way approved by the Secretary.

18 Duration of export compliance

Prescribed goods that have been passed as export compliant cease to be passed as export compliant if:

- (a) the goods are not stored in a registered establishment; or
- (b) an authorised officer requires them to be re-inspected; or
- (c) the period specified under paragraph 17.3(a) expires.

19 Goods to be re-inspected

Section 6.09 of the General Order applies in relation to prescribed goods that cease to be passed as export compliant.

20 Resubmission of goods

20.1 This section applies when prescribed goods that:

- (a) were presented for inspection to an authorised officer who refused to declare them to be passed as export compliant; or
- (b) have ceased to be passed as export compliant under section 18; are resubmitted for inspection by an authorised officer.

20.2 The exporter or packer must:

- (a) advise the authorised officer in writing that the goods are being resubmitted for inspection; and

- (b) provide evidence that any further preparation, treatment or processing operations that have been undertaken in relation to the goods have resulted in the goods being suitable for export; and
 - (c) hold the goods under such conditions of security as are considered necessary by an authorised officer.
- 20.3 Prescribed goods that have been treated with an insecticide or fumigant must not be re-presented for inspection:
- (a) until after the safety precautions (including exposure or airing periods) specified on the registered label have been observed; or
 - (b) in the absence of such information, as approved by the Secretary.

21 Segregation of goods

Prescribed goods to which section 19 applies must be dealt with in a manner that clearly distinguishes the goods from goods which are export compliant.

Part 6 Packaging and trade descriptions

22 Packaging and other materials to be clean

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

- (a) must be unused and clean; or
- (b) if designed for multiple use and previously used—must have been cleaned and re-conditioned to the satisfaction of an authorised officer.

23 Characteristics of packaging and other materials

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

- (a) must be used in a manner that is unlikely to place the integrity of the prescribed goods at risk; and
- (b) must be sufficiently strong to withstand the handling ordinarily incurred by the materials during transit to the final destination; and
- (c) must be otherwise appropriate to the goods.

24 Trade description to contain certain information

- 24.1 When a trade description is applied to prescribed goods, the export of those goods is prohibited unless that trade description is adequate and accurate.
- 24.2 A trade description applied to goods is *adequate* for this section 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 this Order relating to the application of trade descriptions; and
 - (d) satisfies any requirements of the importing country.
- 24.3 A trade description applied to goods is *accurate* for this section if it correctly describes the goods.
- 24.4 The trade description applied to prescribed goods must contain sufficient information, as approved by the Secretary, to enable the importing country authority to clear the goods.

Part 7 Exporting in packages

25 When goods may be packaged for export

- 25.1 A person must not pack prescribed goods into packages for export unless:
- (a) the goods have been passed as being export compliant; or
 - (b) an authorised officer has agreed to the use of a method approved by the Secretary for inspecting the goods, or appropriate samples of the goods, for export compliance after packing
- 25.2 For this section, prescribed goods are in *packages for export* when they are in the receptacles in which they will be exported, being receptacles that:
- (a) have been approved by the Secretary for prescribed goods of that type; or
 - (b) an authorised officer has approved, in the circumstances in which the goods will be transported, as sufficient to protect the goods effectively during export.

Part 8 Exporting in containers

26 Container approvals

A person must not load prescribed goods intended for export into a container unless an authorised officer has given a container approval for the container.

27 Issue of container approval

27.1 On receiving a request for container approval, an authorised officer must inspect the container in accordance with Schedule 4.

27.2 The authorised officer must give a written container approval if he or she is satisfied that:

- (a) the container will not infest or infect the goods with pests; and
- (b) any cargo already loaded into the container will not infest or infect the goods with pests; and
- (c) no material is present in the container that is likely to harbour pests; and
- (d) no material is present in the container that is likely to contaminate the goods; and
- (e) the container is not in a condition that could result in the infestation or infection of the goods.

27.3 The authorised officer must record a container approval in a way approved by the Secretary.

28 Period of container approval

A container approval is valid for 28 days after the date on which it was given.

29 Cancellation of container approval if conditions change after inspection

If an authorised officer has reasonable cause to believe that, since the issue of the container approval, the conditions of the container have changed, the authorised officer may cancel the approval.

30 Surrender of container approval

If a container approval is cancelled in accordance with section 29, the person to whom a paper version of the approval was issued must forthwith surrender the approval and any copy in his or her possession to an authorised officer.

Level 4 penal provision

31 Sealing and identification of empty containers

- 31.1 If a container that is approved under section 27 is not to be loaded immediately, the authorised officer must seal the container with a tamper-evident seal and apply an inspection sticker that includes the identification number of the authorised officer.
- 31.2 If a container has been sealed after inspection, the person responsible for the prescribed goods that are to be loaded into the container:
- (a) must not load the container unless the seal is intact; and
 - (b) must not remove or obliterate the inspection sticker.

Level 2 penal provision

Part 9 Exporting in bulk vessels

Division 1 Surveys of bulk vessels

32 Arrangements for bulk vessel to be surveyed before loading

The shipowner or shipowner's agent must provide an authorised officer with a declaration, approved by the exporter of the goods, that a named marine surveyor has, or surveyors have, been appointed to survey the vessel.

33 Obligations of marine surveyor

33.1 A marine surveyor appointed under section 32 must survey the bulk vessel with a view to establishing whether the vessel is suitable to carry the prescribed goods in the holds or areas of the vessel proposed.

33.2 If the marine surveyor is satisfied that the vessel:

- (a) is free of conditions that could result in contaminating, wetting or imparting an odour to goods; and
 - (b) is a suitable vessel to carry the goods in the areas proposed;
- the marine surveyor may issue a certificate to that effect, and if it is in paper form, give the certificate and a copy to the master of the vessel.

33.3 The marine surveyor must not issue a certificate if he or she is not so satisfied.

Level 4 penal provision

34 Acceptance of marine surveyor's certificate

For the purpose of issuing a vessel approval under section 37, an authorised officer may accept a certificate referred to in section 33 only if the name of the marine surveyor issuing the certificate appears in a declaration under section 32.

Division 2 Vessel approvals

35 When bulk vessel may be loaded

A person must not load prescribed goods intended for export in bulk into a bulk vessel unless a vessel approval has been given under this Part to load the vessel.

36 Application for vessel approval

An application for an approval to load a bulk vessel must be in the approved form and include the following:

- (a) the name of the vessel;
- (b) the name and address of the shipowner or shipowner's agent;
- (c) the name and address of the person requesting the vessel approval if different from that required under paragraph (b);
- (d) the expected time of arrival of the vessel at the port where the vessel 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 vessel with the prescribed goods, a description of the goods (including their mass) and where they can be inspected prior to loading;
- (i) any other information required by the Secretary.

37 Vessel approval

37.1 On receiving an application for a vessel approval, an authorised officer must:

- (a) check the certificate of the marine surveyor, or the copy, mentioned in subsection 33.2; and
- (b) inspect the vessel in accordance with Schedule 5 to ensure that there are no pests, or infestible residues that could harbour pests or diseases, or conditions that could permit cross-infestation.

37.2 The authorised officer must give a vessel approval if he or she is satisfied that:

- (a) the cargo spaces and other parts of the vessel, or any cargo already loaded in the vessel, 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 vessel that is likely to harbour pests or diseases.

37.3 The authorised officer must record a vessel approval in a way approved by the Secretary.

Section 38

38 Period of vessel approval

A vessel approval is valid for a period of 28 days after the date upon which it was issued.

39 Suspension or cancellation of vessel approval if conditions change after inspection

- 39.1 If an authorised officer has reasonable cause to believe that, since the issue of a vessel approval, the conditions on the vessel have changed, the authorised officer may suspend the vessel approval.
- 39.2 Following that suspension, an authorised officer may inspect the vessel 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 vessel approval.

40 Surrender of vessel approval

If a vessel approval is suspended or cancelled in accordance with section 39, the person to whom the approval was issued must forthwith surrender the vessel approval and any copy of the permit in his or her possession to an authorised officer.

Level 4 penal provision

Part 10 Export permit

41 Export permit

41.1 Part 6 of the General Order applies in relation to the grant of an export permit in respect of prescribed goods.

41.2 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 General Order.

Part 11 Phytosanitary and other Certification

42 Certificate as to condition in respect of prescribed goods

If an exporter requires a certificate as to the condition of prescribed goods for 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.

43 Certificates and other information

- 43.1 If a certificate is required, an exporter must submit to an authorised officer:
- (a) such information in relation to the 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.
- 43.2 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.
- 43.3 An inspection of prescribed goods for which a phytosanitary certificate is required must be carried out in accordance with Schedule 2.
- 43.4 Schedule 6 sets out requirements relating to the issuing of phytosanitary certificates.

44 Offence of issuing false certificate

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

Part 12 Miscellaneous

45 Secretary may require audits

- 45.1 The Secretary may require the following matters to be audited by a qualified person for compliance with the Act and this Order:
- (a) the operation of a registered establishment, including the work of authorised officers relating to the establishment;
 - (b) operations for the export of prescribed goods;
 - (c) operations for the certification of prescribed goods;
 - (d) the work of an authorised officer.
- 45.2 The Secretary may specify the scope of an audit.
- 45.3 An audit may be unannounced.
- 45.4 The auditor must give the person responsible for a matter being audited a copy of the report of the audit.
- 45.5 For this section, a *qualified person* is an authorised officer who:
- (a) is an employee of an agency of the government of the Commonwealth or of a State or Territory; and
 - (b) the Secretary is satisfied has the necessary skills and experience perform the audit required, and will do so objectively, fairly and accurately.

46 Assistance to be provided

- 46.1 The occupier of an establishment and the exporter must provide such assistance required by an auditor as is reasonably necessary to enable the auditor to perform the audit of their operations.
- 46.2 Without limiting the generality of section 46.1 the occupier or exporter must:
- (a) provide information to the auditor on request (including explanations and documents) and operate any equipment; and
 - (b) allow an auditor to:
 - (i) observe and interview employees, agents or contractors; and
 - (ii) observe any procedures; and
 - (iii) use equipment for the purpose of accessing, examining, testing, sampling, recording or reproducing any documents or other thing; and
 - (iv) bring equipment onto the premises at which the audit is being conducted for the purposes of the audit.

47 Electronic communications

The Secretary may determine in writing electronic methods for electronic notification and certification under this Order.

Section 48

48 Alteration of notice after certification

48.1 A person must not alter, add to or delete a certificate or permit under this Order except in accordance with subsection 48.2.

Level 2 penal provision

48.2 An authorised officer may alter the details of a certificate or permit that has been issued under this Order provided that he or she is satisfied that any details mentioned in the certificate or permit have changed, otherwise than in a way that is material to the issuing of the certificate or permit. .

Level 2 penal provision

Part 13 Repeal and transitional

49 Repeal of orders

The following orders are repealed:

- (a) *Export Control (Plants and Plant Products) Orders 2005*;
- (b) *Export Control (Hay and Straw) Orders 2005*;
- (c) any orders that amended any of the above orders.

50 Transitional

50.1 Despite the repeals effected by section 49:

- (a) any instrument in force or any approval given under orders referred to in that section remains in force according to its tenor as if it had been made, issued or given under this Order; and
- (b) if a person was an approved inspector under an approved arrangement under a repealed instrument:
 - (i) the arrangement continues to operate on its terms; and
 - (ii) the person is taken to be an authorised officer, with the same powers and in the same circumstances as the approved inspector, until the arrangement ceases.

50.2 For subparagraph 50.1(b)(ii), if the Secretary is satisfied that the term of an arrangement should be extended to effect a satisfactory transition, the arrangement is taken to cease at the end of any extension approved by the Secretary.

Schedule 1 Marine surveyors' qualifications

(definition of *marine surveyor* in section 5)

1 Marine surveyors' qualifications

- 1.1 A marine surveyor becomes *qualified* for the purposes of this Order if he or she:
- (a) holds either:
 - (i) a Certificate of Competency as Master Class 1 (Unrestricted) or its current equivalent; or
 - (ii) a Diploma in Marine Surveying which includes a module on dry bulk cargoes issued by a nationally accredited training establishment; and
 - (b) has inspected at least 10 bulk vessels, while in the company of a qualified marine surveyor conducting a survey for suitability to carry prescribed goods, over a maximum period of 2 years.
- 1.2 A person who has been qualified for 3 years or more ceases to be qualified if he or she has not surveyed at least 3 bulk vessels during the past 3 years for suitability to carry prescribed goods.

Schedule 2 Inspection of prescribed goods

(sections 6, 17 and 43)

Part 1 Preliminary

1 Interpretation

In this Schedule:

sub-sample means a quantity of prescribed 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 litres is to 33.33 tonnes; or
- (b) sufficient to enable an inspection to be made.

2 Tolerances for pests and contaminants

- 2.1 A nil tolerance for live pest infestations must be applied to all prescribed goods presented for inspection.
- 2.2 Despite subclause 2.1, if a pest is non-injurious and is not a quarantine pest of an importing country, the Secretary may specify variations to the nil tolerance for the pest.
- 2.3 A nil tolerance for all vermin, including rodents, and their waste, must be applied to all prescribed goods presented for inspection.
- 2.4 Despite subclause 2.3, the Secretary may specify variations to the nil tolerances for specified goods.
- 2.5 A tolerance level for contaminants may be specified by the Secretary or by the importing country in relation to prescribed goods.
- 2.6 If during routine examination of prescribed goods other contaminating material is detected, this must be reported by an authorised officer to the person responsible for the goods.

3 Sampling rate

Sampling must be undertaken in accordance with the directions of the Secretary.

Part 2 Prescribed goods in bulk

4 Treatment of rejected goods

If prescribed goods are rejected for reasons that will respond to treatment, an authorised officer must order treatment in accordance with Part 4 but the choice of treatment is the responsibility of the owner of the goods or the owner's agent.

5 Site of inspection

The site of inspection must be in a position which is well lit, free of environmental hazards (including dust and fumigant gases) and which will allow an authorised officer to draw and examine samples without risk to his or her personal safety.

6 Sampling rate

The required sampling rate for bulk prescribed grain is 2.25 L of product per 33.33 t or equivalent.

7 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.

Note: See section 17.

8 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.

9 Screening of goods

- 9.1 Screening of prescribed goods is not taken to be sufficient for the removal of live insects.
- 9.2 Goods must be screened to remove large contaminants when automatic sampling is in use.
- 9.3 For the purpose of subclause 9.2, screenings must be available for examination by the authorised officer during and at the end of each working day.

10 Blending of goods

- 10.1 Blending of prescribed goods rejected for insect infestation is not permitted.
- 10.2 Despite subclause 10.1, blending is permitted in the case of contaminants.

- 10.3 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.

Part 3 Prescribed goods inspected for phytosanitary certification

11 Inspection

- 11.1 Inspection procedures for prescribed goods being loaded in bulk into bulk vessels' holds and containers must be carried out in accordance with a method approved by the Secretary.
- 11.2 Inspection procedures for bagged consignments of prescribed goods must be carried out in accordance with a method approved by the Secretary.

12 Re-inspection of consignments where shipment delayed

- 12.1 Subject to subclause 12.2, re-inspection of a consignment is required after a period of 28 days from the original inspection has elapsed.
- 12.2 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.
- 12.3 Re-inspection must be carried out by inspecting and sub-sampling surface layers without the need to discharge bulk vessels or containers, except where the integrity of the consignment has not been maintained.

Part 4 Treatment of rejected prescribed goods

13 Insect infestation

If prescribed goods have an insect infestation, they must be treated with an insecticide or fumigation.

14 Use of insecticides, fumigants and controlled atmospheres

- 14.1 If an insecticide or fumigant is used on prescribed goods, 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; and
 - (d) approved by the exporter.

- 14.2 Goods treated with an insecticide or fumigant must not be presented, or re-presented, for inspection until after the exposure, airing periods and safety precautions specified on the registered label, or approved by the Secretary, have been observed.

15 Contaminants

- 15.1 For contaminants for which a nil tolerance applies, cleaning of the prescribed goods must be carried out to remove the contaminating material, if the goods are to be re-presented for export.
- 15.2 For contaminants for which a numerical tolerance applies, cleaning or blending of the prescribed goods to below the permitted tolerance may be carried out.
- 15.3 Contamination that has occurred on the outsides of bags or other packages may be removed by brushing or other mechanical means if approved by the Secretary.

Schedule 3 Requirements for registered establishments

(section 10)

1 Application for registration

An application for registration of an establishment under the General Order 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) a site plan showing all salient features of the site and adjoining sites including location of the establishment; and
 - (c) a floor plan of processing areas, showing all permanent fixtures and layout of equipment; and
 - (d) a product flow chart, and main features of product.

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 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 authorised officer upon request.

5 Structural requirements for establishments preparing prescribed goods

- 5.1 An establishment in which prescribed goods 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.

- 5.2 Without limiting clause 5.1, the design and construction of the establishment must, as appropriate:
- (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; and
 - (d) minimise the possibility of contamination of the prescribed goods during preparation; and
 - (e) allow effective cleaning of the plant and equipment used in the preparation or handling of the prescribed goods; and
 - (f) provide handwashing and toilet facilities; and
 - (g) make provision for the disposal of all waste material, including both liquids and solids, in an efficient and hygienic manner.
- 5.3 Equipment provided for the fumigation or treatment of prescribed goods must be constructed, tested, maintained and operated in accordance with applicable local government, State, Territory and Commonwealth regulations.
- 5.4 The occupier of the establishment must provide suitable facilities for the safe and effective inspection of prescribed goods, in accordance with any requirements set by the Secretary.

6 Operational and hygiene requirements for establishments preparing prescribed goods

- 6.1 The operator of a registered establishment must:
- (a) maintain the establishment in a hygienic condition in order to control pests (including rodents and other vermin, and weeds) and prevent cross-contamination of prescribed goods; and
 - (b) have a defined program of hygiene and pest control.
- 6.2 Any of the following must be stored and handled in a way that ensures that it does not in any way contaminate, infest or provide a source of infestation of prescribed goods or of an area used for their preparation or storage, or of anything that may come into contact with them:
- (a) material likely to provide a source of contamination or infestation;
 - (b) rodenticides, fumigants, fungicides, insecticides or other toxic substances.
- 6.3 Animals (including birds and rodents) must not be present in the establishment where preparation of prescribed goods takes place.
- 6.4 Handwashing facilities and toilet facilities must be kept in a clean and sanitary condition at all times.
- 6.5 Establishments handling edible products must comply with the applicable State and Territory laws relating to food handling.

Schedule 4 **Container inspection for issue of container approval**

(section 27)

1 Empty container inspection

The following types of inspection are required for empty containers:

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

2 Place of inspection

Containers may be inspected at any place where there are adequate facilities for the inspection.

3 Assistance to be given to authorised officers

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

4 Inspection procedures for empty containers

- 4.1 When containers are inspected prior to transport, the units must be sealed and identified in accordance with section 31.
- 4.2 All parts of the interiors and exteriors of the containers may be inspected for the purposes of clause 6.

5 *Trogoderma* spp.

- 5.1 If live insects are found, being *Trogoderma* spp., the container must be rejected and an authorised officer must order treatment in a manner approved by the Secretary.
- 5.2 When the person responsible for the container wishes to re-present it to load prescribed goods, the person must provide the authorised officer with a fumigation certificate before re-inspection is commenced.

6 Treatment of empty containers

The authorised officer must be satisfied that:

- (a) there are no live pests in the container; and

- (b) any infestible residues have been removed, including those behind any lining or panels; and
- (c) any non-infestible residues will not contaminate the prescribed goods.

Schedule 5 Bulk vessel inspection for issue of vessel approval

(section 37)

1 Parts of a bulk vessel which must be inspected

An authorised officer must inspect the following:

- (a) holds or areas where the prescribed goods will be stored; and
- (b) other areas from which it is possible that cross-infestation or contamination of the goods could occur; and
- (c) other cargo from which it is possible that cross-infestation or contamination of the goods could occur.

2 What an authorised officer must inspect for

An authorised officer must inspect a bulk vessel for the presence of any of the following:

- (a) pests, including rodents and other vermin; and
- (b) contaminants; and
- (c) any other matter required by the Secretary.

3 Inspections away from a wharf

3.1 An authorised officer may:

- (a) agree to inspect away from a wharf if he or she is satisfied that this is suitable; but
- (b) may decline to leave shore, or to start or continue inspections, if weather or other conditions are such that he or she considers it unsafe to do so.

3.2 The authorised officer may discontinue inspection when the results of the inspection indicate that a bulk vessel will have to be brought to shore for cleaning or treatment and recommence inspection after berthing.

4 Inspection procedure

4.1 On boarding the bulk vessel, an authorised officer must obtain from the master the information required to assess the suitability of the vessel to enable the loading of prescribed goods.

4.2 The authorised officer must require a ship's officer to accompany the authorised officer during the inspection to ensure the provision of all assistance necessary.

5 On entering a hold

- 5.1 On entering a hold, an authorised officer may examine all sites that may harbour infestible residues, insects or rodents.
- 5.2 If it is apparent that equipment is required to enable the authorised officer to safely inspect otherwise inaccessible areas in the hold, such as beams, the bulk vessel's master must make them available and they may be ordered on a treatment order form if necessary.
- 5.3 Masters must make available sufficient crew to erect ladders and move them from hold to hold.
- 5.4 If it is not possible to gain access to an area and the authorised officer suspects that there are insects or residues in the area, the authorised officer may order cleaning of the area.
- 5.5 The authorised officer must be satisfied that all residues have been removed.

6 Bulk vessels' stores and general galley areas

- 6.1 Wet stores and refrigerated or chilled stores need not be inspected, unless there is reason to believe that these areas may have become infested with pests.
- 6.2 It is necessary to inspect areas in the bulk vessel 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.

7 Treatments

- 7.1 If a pest or infestible residue has been found on a bulk vessel, the authorised officer must:
 - (a) notify the responsible person of the detection of the pest or infestible residue; and
 - (b) require that the level of the pest or infestible residue be reduced to the level specified by the authorised officer.
- 7.2 The notification must be by way of an approved form.
- 7.3 The responsible person must:
 - (a) complete the approved form with the details of the treatment that has occurred; and
 - (b) return the form to the authorised officer.

8 Reporting of conditions of the bulk vessel

The results of the inspection of the bulk vessel must be reported on an approved form and include details of the particular chemical used in any treatment of the cargo spaces of the ship.

9 Issuing the vessel approval

- 9.1 An authorised officer must indicate on a vessel approval the time at which the officer determines that the holds comply with the requirements of this Order.
- 9.2 The time shown must be when inspection of the holds has been completed and the responsible ship's officer was informed of this.
- 9.3 This time must not be altered.

Schedule 6 Requirements relating to issuing of phytosanitary certificate

(section 43)

1 Inspection

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

2 Certification

Manually issued 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 number; or
- (b) apply in close proximity to that signature an impression of the official mark of the Department.

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, the form of certificate must be the international model specified by the IPPC.
- 5.2 Subject to subclause 5.3, in the case of re-exports the IPPC model re-export certificate must be used.
- 5.3 Bilingual and trilingual certificates must only be used to meet the specific requirements of an importing 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, the tolerances specified under clause 2 of Schedule 2 apply.
- 6.2 The Secretary must determine whether certificates should be issued in cases where the requirements of an importing country authority are not known.

7 Name of authorised officer

- 7.1 The name of the authorised officer who inspected the consignment, or the most senior of the authorised officers, must be included in the certificate.
- 7.2 If the name is hand-written on a paper certificate, it must be in block letters.

8 Disinfestation or disinfection treatment

- 8.1 Treatments not supervised by an authorised officer may be added to the certificate if the exporter submits a written declaration certifying the details of the treatment carried out.
- 8.2 Any space on a paper certificate not used to record treatments must be struck out.

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 authorised officer.
- 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 phytosanitary certificate must state 'no additional declaration'. On a paper certificate, any spaces not used for such declarations must be struck out.

10 Signature

- 10.1 All paper certificates issued, including any copies of those certificates, must bear an authorised officer's signature and the official mark of the Department.
- 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.

- 10.3 For subclause 10.1, if a complete paper certificate is generated from a computer system that stores the authoritative records, the signature and official mark may be facsimiles.

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 numbers must be included.
- 12.3 Import and export permit numbers may be indicated if these are known.
- 12.4 For a paper version of a certificate that has more than one sheet
- (a) the sheets must be securely attached together; and
 - (b) each sheet must have the number of the phytosanitary certificate and the name and address of the exporter; and
 - (c) each sheet must include the official mark of the Department and the signature of the same authorised officer.
- 12.5 For a paper version of a certificate that has spaces for the details, any spaces not used must be struck out.

13 Name of goods

- 13.1 Both the common and botanical name of the goods must appear on the certificate for prescribed goods.
- 13.2 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 place 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 If a paper version of the phytosanitary certificate is used for the goods, it must be the original.
- 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 paper phytosanitary certificate must be forwarded to the Secretary.
- 18.2 A copy of a paper 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.
- 19.5 If the additional declaration requires endorsements relating to growing conditions or treatments in the original exporting country, certification must not be provided.

- 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 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 paper copies of the certificate to an authorised officer.
- 20.5 If re-inspection is requested by the exporter, the consignment must not be re-inspected unless all paper copies of the original phytosanitary certificate have been surrendered to an authorised officer.