

EXPORT CONTROL (ORDERS) REGULATIONS

Export Control Orders No. 2 of 1991

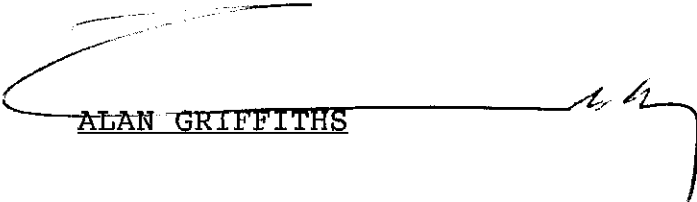
EXPORT CONTROL (MUNG BEANS) ORDERS

I, THE MINISTER OF STATE FOR RESOURCES hereby make the following Orders under the Export Control (Orders) Regulations.

Dated

5th day of April,

1991


ALAN GRIFFITHS

PART 1 - PRELIMINARY

Citation

1. These Orders may be cited as the Export Control (Mung Beans) Orders.

Commencement

2. These Orders shall come into operation on gazettal.

Application

3. These Orders apply to mung beans.
- 3.1 Mung beans are declared to be prescribed goods for the purposes of the Export Control Act 1982 (the Act).

Interpretation

4. In these Orders, unless the contrary intention appears, words have the same meaning as in the Act and General Orders except that

'AQA' means Approved Quality Assurance;

'Code' means a publication entitled 'Code of Hygienic Practice for Oilseeds, Pulses and Legumes' published in 1989 and available from the Australian Quarantine and Inspection Service at the Department of Primary Industries and Energy (GPO Box 858, Barton, ACT 2600) and from the State Supervising Officer (Exports) of the Department of Agriculture or equivalent in all States;

'General Orders' means the Prescribed Goods (General) Orders as amended;

'Mung beans' are whole seeds of the species Vigna radiata or Vigna mungo including varieties and synonyms;

'Pest' means any form of plant or animal life (including insects, rodents, birds and other vermin), or any pathogenic agent, injurious or potentially injurious to mung beans or to the consumers of the mung beans and includes disease.

'Prepared' means stored, treated, bagged or loaded ready for export.

PART 2 - EXPORT OF MUNG BEANS PROHIBITED UNLESS CONDITIONS OR RESTRICTIONS COMPLIED WITH

Conditions or Restrictions

5. The export of mung beans is prohibited unless the conditions and restrictions in these Orders, and Part 3 and other Parts of the General Orders as specified in these orders in force from time to time, are complied with.

Exemptions

6. Part 4 of the General Orders, which allows for the granting of exemptions by the Secretary from Orders, applies to these Orders.

PART 3 - REGISTERED ESTABLISHMENT

Preparation in a registered establishment

7. Mung beans must be prepared at a registered establishment.

Prescribed goods to comply with Code

8. The owner/occupier of a registered establishment shall ensure that all mung beans prepared there and intended for export are grown and harvested in accordance with Section II of the Code.

Registration to comply with General Orders

9. Registration shall be in accordance with Part 5 of the General Orders.

Hygiene to comply with Code

10. The owner/occupier of a registered establishment shall ensure that hygiene at the establishment complies with Sections IV and V of the Code.

Structural requirements to comply with Code

- 11.1 The owner/occupier of a registered establishment shall ensure that the design and facilities of the establishment comply with Section III of the Code.
- 11.2 Owners/occupiers of existing operating premises have until 30 June 1993 to comply with the requirements of suborder 11.1.

NOTE ON ORDER 11:

In suborder 11.2, the term 'existing operating premises' means premises from which mung beans have been exported within 12 months prior to the date of the making of these Orders.

PART 4 - PRODUCT STANDARDS

Mung beans to comply with product standards

12. Mung beans must:
- (a) be free of live pests; and
 - (b) be free of any pest for which a declaration of freedom is required by a foreign country authority; and
 - (c) be sound, wholesome and fit for human consumption; and
 - (d) not be adulterated or have in or upon them any substance in any amount which renders the food poisonous, harmful or otherwise injurious to health.

PART 5 - TRANSPORT AND PACKAGING

Transport

13. Where mung beans are loaded into containers, or container system units or any other means of conveyance, all such transport units must be free of:

- (a) residues of plant material; and
- (b) live pests such as insects, mites, snails; and
- (c) (in the case of shipping containers) any structural damage to walls, lining, floor, roof and doors; and
- (d) moisture; and
- (e) residues of minerals or any other contaminating material; and
- (f) other goods that may cross infest, cross infect or contaminate mung beans.

Packaging

14. All packaging material for mung beans must be stored in a clean and hygienic manner. Packaging material must adequately protect the mung beans from contamination.

NOTE ON PART 5:

Additional information about container systems units may be obtained from the booklet "Standards for Food Quality Shipping Containers" available from the Australian Chamber of Shipping, GPO Box 47, Sydney 2001.

PART 6 - TRADE DESCRIPTIONS

Trade descriptions must be accurate

- 15.1 Where a trade description is applied to mung beans, the export of those mung beans is prohibited unless that trade description is adequate and accurate.
- 15.2 In the case of bagged mung beans, each bag must have attached to it or printed on it in an approved form, the registration number of the establishment where the mung beans were prepared.

Grade descriptions of prescribed goods

16. Where size, quality or colour grading descriptions are applied to prescribed goods in a trade description, they shall be readily understandable.

NOTE ON PART 6:

The Act provides for heavy penalties in the event of false trade description.

PART 7 - EXPORT CLEARANCE

Notice of Intention

17. A person who intends to export mung beans shall give notice in accordance with Part 8 of the General Orders.

Export permit

18. When an authorized officer is reasonably satisfied that the relevant conditions or restrictions have been complied with in respect of the mung beans, the authorized officer shall issue or cause to be issued an export permit in accordance with Part 9 of the General Orders.

NOTES ON PART 7:

1. Customs Clearance

An export permit shall be delivered to the Australian Customs Service in accordance with order 78 of the General Orders.

2. Phytosanitary Certificates

Where a phytosanitary certificate is required by a foreign country quarantine authority in respect of mung beans, the provisions of order 29 of the Grain, Plants and Plant Products Orders apply.

3. Certificate as to Condition

Where a foreign country requires either general or specific certification attesting to the quality of mung beans, this will be issued by the Department of Primary Industries and Energy provided the Secretary is satisfied that the information is true and correct in every particular.

4. Certificates of Analysis

The owner, processor or exporter of mung beans, or agent, shall provide to an authorised officer at the time of giving Notice of Intention to export mung beans, such certificates of analysis or quality in respect of the mung beans as are determined by the Secretary.

PART 8 - INSPECTION PROCEDURES

Issue of export permit

19. Before issuing an export permit an authorized officer must be reasonably satisfied that -
- (a) the consignment is as described on the Notice of Intention; and
 - (b) the premises meet the requirements for registration as specified in the Code.

Note on Order 19 - The requirements for an AQA arrangement are set out in the "Approved Quality Assurance Handbook" available from the Quality Assurance Unit, Australian Quarantine and Inspection Service, GPO Box 858, Canberra, ACT 2601, (telephone 272 5015). If an AQA arrangement is in place, the authorized officer may be satisfied that the requirements of order 19 have been met.

Note on Part 8: As these Orders declare mung beans to be prescribed goods for the purposes of the Act, producers and exporters are eligible to apply, under the Export Control (Quality Assured Foods) Orders, for AQA inspection arrangements. Those orders allow for maximum company self regulation. The Export Control (Quality Assured Foods) Orders are available from the Australian Government Publishing Service outlets.

PART 9 - REVIEW OF DECISIONS

Reconsideration of decisions

20. Part 20 of the General Orders applies to these orders.

Note on Order 20: Part 20 of the General Orders allows a person whose interests are affected by an initial decision made under an order to apply to the Secretary for a reconsideration of that decision (Order 112 of the Prescribed Goods (General) Orders as amended). An application may be made to the Administrative Appeals Tribunal for a review of the reconsidered decision (order 117 of the Prescribed Goods (General) Orders as amended).