



Australian Government

Wheat Exports Australia

Wheat Exports Australia (WEA) made the decision to accredit **Touton Australia Pty Limited** as an accredited wheat exporter on **19 November 2009**. This notice is published in accordance with Section 23 of the *Wheat Export Marketing Act 2008* (the Act) by WEA.

Accredited company details

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|--------------------------|-------------------------------------|
| Accredited company name: | Touton Australia Pty Limited |
| ACN: | 138 613 617 |

1. Conditions of accreditation

Note: Conditions of accreditation are outlined in section 22 of the Wheat Export Accreditation Scheme 2008 (the Scheme). A number of conditions must be imposed under the Scheme. Under subsection 8(4) of the Scheme, WEA may impose further conditions at the time of granting an accreditation. Under section 27 of the Scheme, WEA may decide to impose further conditions after the time of granting an accreditation.

This accreditation is subject to the following conditions:

1.1 **Touton Australia Pty Limited** must comply with a requirement of WEA under subsection 25(2) of the Act:

1.1.1 WEA may, by written notice given to **Touton Australia Pty Limited**, require **Touton Australia Pty Limited**:

- (a) to give to WEA, within the period and in the manner and form specified in the notice, any such information; or
- (b) to produce to WEA, within the period and in the manner specified in the notice, any such documents; or
- (c) to make copies of any such documents and to produce to WEA, within the period and in the manner specified in the notice, those copies.

1.2 **Touton Australia Pty Limited** must comply with a requirement of WEA under subsection 31(1) of the Act:

1.2.1 WEA may, by written notice given to **Touton Australia Pty Limited**, require **Touton Australia Pty Limited** to:

- (a) appoint:
 - (i) an external auditor identified in the notice; or

- (ii) if no external auditor is identified in the notice—an external auditor chosen by **Touton Australia Pty Limited**; and
- (b) arrange for the external auditor to carry out an external audit of whichever of the following is specified in the notice:
 - (i) **Touton Australia Pty Limited**'s compliance with one or more conditions of accreditation under the Scheme;
 - (ii) the accuracy of information given to WEA by **Touton Australia Pty Limited** (whether orally, in a document or in any other way);
 - (iii) the accuracy of one or more statements made in the application that resulted in the accreditation of **Touton Australia Pty Limited**; and
- (c) arrange for the external auditor to give **Touton Australia Pty Limited** a written report (the audit report) setting out the results of the audit; and
- (d) give WEA a copy of the audit report within:
 - (i) the period specified in the notice; or
 - (ii) if WEA allows a longer period—that longer period.

1.3 Produce an annual export report in accordance with section 23 of the Scheme:

1.3.1 It is a condition of accreditation that **Touton Australia Pty Limited** must, within:

- (a) 30 days after the end of each marketing year; or
 - (b) if WEA allows a longer period — that longer period;
- give WEA a written report setting out:
- (c) the quantity of wheat exported by **Touton Australia Pty Limited** during that year, broken down by specification and country of destination; and
 - (d) the terms and conditions on which **Touton Australia Pty Limited**, or a related body corporate, acquired wheat from growers during that year for export by the accredited company.

Note: The term 'marketing year' is defined under the Act to mean a 12-month period beginning on 1 October.

1.3.2 The report must be in the form approved by WEA.

Note: This is the Annual Export Report form approved by WEA and published from time to time on the WEA website (www.wea.gov.au).

1.3.3 Paragraphs 1.3.1 (c) and (d) do not apply:

- (a) to the export of wheat in:
 - (i) a bag; or
 - (ii) a container;
 that is capable of holding not more than 50 tonnes of wheat; or
- (b) to an individual producer exporting wheat produced by that individual producer.

1.4 Produce an annual compliance report in accordance with section 24 of the Scheme:

1.4.1 It is a condition of accreditation that **Touton Australia Pty Limited** must, within:

- (a) 30 days after the end of each marketing year; or
 - (b) if WEA allows a longer period — that longer period;
- give WEA a written report relating to **Touton Australia Pty Limited**'s compliance, during that year, with:
- (c) the conditions of **Touton Australia Pty Limited**'s accreditation under the Scheme; and
 - (d) Australian laws, and foreign laws, that are applicable to **Touton Australia Pty Limited**'s export trade in wheat; and
 - (e) the United Nations sanctions provisions.

Note: The term 'marketing year' is defined under the Act to mean a 12-month period beginning on 1 October.

1.4.2 The report must be in the form approved by WEA.

Note: This is the Annual Compliance Report form approved by WEA and published from time to time on the WEA website (www.wea.gov.au).

1.5 Report to WEA about notifiable matters in accordance with section 25 of the Scheme:

1.5.1 It is a condition of accreditation that, if:

- (a) an event occurs or a circumstance comes into existence; and
- (b) the event or the circumstance is:
 - (i) a ground on which WEA could cancel **Touton Australia Pty Limited**'s accreditation under the Scheme; or
 - (ii) likely to result in a conclusion that **Touton Australia Pty Limited** is not a fit and proper company within the meaning of the Scheme;

Touton Australia Pty Limited must, within 14 days after the occurrence of the event or the coming into existence of the circumstance, give WEA a written report about the matter.

Note: This condition requires accredited exporters to give a report to WEA where an event occurs, or the exporter's circumstances change, such that the event or change in circumstances could have a material impact upon the accreditation of the exporter. This condition includes the obligation to report significant changes with respect to a related body corporate of the accredited exporter where those changes could affect the accreditation of the exporter. For example if a parent company has provided, or agreed to provide, financial support to an accredited subsidiary, it is likely that the accredited subsidiary would need to notify WEA about significant financial changes to, or the restructuring of, the parent company.

1.5.2 The report must be in the form approved by WEA.

Note: This is the Notifiable Matter Form approved by WEA and published from time to time on the WEA website (www.wea.gov.au).

1.6 Provide written notice to WEA in accordance with section 26 of the Scheme:

1.6.1 **Touton Australia Pty Limited** must provide a written notice to WEA in accordance with 1.6.2 if a new executive officer is appointed to the company during the period of accreditation.

1.6.2 The notice must:

(a) be in a form approved by WEA ; and

Note: this is the New Executive Officer Notification Form approved by WEA and published from time to time on the WEA website (www.wea.gov.au)

(b) include, or be accompanied by, the information and documents required by the form; and

(c) authorise WEA to independently verify the accuracy and completeness of the information and documents provided; and

(d) be provided to WEA within 14 days of the company appointing the new executive officer; and

(e) be lodged at a place, or by a means, specified in the form.

1.7 **Touton Australia Pty Limited** must pay the charge for which it is liable imposed on wheat by Part 5 of Schedule 14 to the Primary Industries (Customs) Charges Regulation 2000.

Note: This charge is commonly known as the 'Wheat Export Charge'.

Note: This condition has been imposed by WEA under section 8(4) of the Scheme.

1.8 **Touton Australia Pty Limited** must pay any amounts for which it is liable under section 15 of the *Primary Industries Levies and Charges Collection Act 1991*.

Note: Section 15 of the Primary Industries and Levies Charges Collection Act imposes an amount of penalty for late payment of the Wheat Export Charge.

Note: This condition has been imposed by WEA under section 8(4) of the Scheme

1.9 It is a condition of accreditation that the quantity of wheat exported by **Touton Australia Pty Limited** during the period of accreditation is limited to 125,000 metric tonnes (with +10% tolerance).

For the purposes of calculating the quantity referred to in paragraph 1.9, the following exports are to be disregarded:

(a) an export of wheat in:

(i) a bag; or

(ii) a container;

that is capable of holding not more than 50 tonnes of wheat.

Note: This condition has been imposed by WEA under section 8(4) of the Scheme.

1.10 It is a condition of accreditation that **Touton Australia Pty Limited** may only export wheat to the following buyer:

(a) **Touton Far East Pte Ltd.**

Paragraph 1.10 does not apply:

(a) to the export of wheat in:

(i) a bag; or

(ii) a container;

that is capable of holding not more than 50 tonnes of wheat.

Note: This condition has been imposed by WEA under section 8(4) of the Scheme.