

## EXPLANATORY STATEMENT

Issued by the authority of the Minister for Agriculture, Fisheries and Forestry

### *Export Control Act 1982*

#### Export Control (Mung Beans) Amendment Orders 2005 (No. 1)

Sub-section 25(1) of the *Export Control Act 1982* (“the Act”) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for the carrying out or giving effect to the Act.

Subsection 25(2)(g) of the Act provides that the Governor-General may make regulations empowering the Minister to make orders, not inconsistent with the regulations, with respect to any matter for or in relation to which provision may be made by the regulations.

Regulation 3 of the *Export Control (Orders) Regulations 1982* (“the Regulations”) provides that the Minister may, by instrument in writing, make orders, not inconsistent with regulations made under the Act, with respect to any matter for or in relation to which provision may be made by regulations made under the Act.

The *Export Control (Mung Beans) Orders* (“the Principal Orders”), are made by the Minister under regulation 3 of the Regulations. The Principal Orders are incorporated with the *Prescribed Goods (General) Orders 1985* (“the PGGOs”) and declare goods to be prescribed goods and specify conditions and restrictions that apply to the export of those prescribed goods, including that the goods shall, in certain circumstances, be prepared in a registered establishment.

The purpose of the *Export Control (Mung Bean) Amendment Orders 2005 (No. 1)* (“the Amendment Orders”) is to make amendments to certain provisions of the Principal Orders consequential upon the enactment of the *Export Control (Prescribed Goods - General) Order 2005* (“the new Prescribed Goods Orders”) which repeal the *Prescribed Goods (General Orders) 1985* (“the old Prescribed Goods Orders”). In particular, the Amendment Orders substitute the references in the old Prescribed Goods Orders with references to the new Prescribed Goods Orders. The Amendment Orders also seek to delete references to material that is now out of date.

Consultation was not undertaken for the making of the Amendment Orders because the amendments are of a minor or machinery nature and do not substantially alter existing arrangements. For the same reason, the Office of Regulation Review advised that a regulation impact statement is not required.

Details of the amendments are set out below:

### **Order 1**

This order provides that the name of the Amendment Orders is the *Export Control (Mung Beans) Amendment Orders 2005 (No 1.)*

### **Order 2**

This order provides that the Amendment Orders commence on 1 July 2005.

### **Order 3**

This order provides that Schedule 1 amends the Principal Orders.

## **Schedule 1 - Amendments**

### **Item 1**

This item updates the details relating to where the 'Code of Hygienic Practice for Oilseeds, Pulses and Legumes' can be located.

### **Item 2**

This item replaces the reference in the definition of 'General Order' to the old Prescribed Goods Orders with a reference to the new Prescribed Goods Orders.

### **Item 3**

This item replaces the reference to Part 3 of the old Prescribed Goods Orders with the correct reference in the new Prescribed Goods Orders.

### **Item 4**

This item replaces the reference to Part 4 of the old Prescribed Goods Orders with the correct reference in the new Prescribed Goods Orders.

### **Item 5**

This item replaces the reference to Part 5 of the old Prescribed Goods Orders with the correct reference in the new Prescribed Goods Orders.

### **Item 6**

This item deletes suborder 11.2 as the time-frame specified in that suborder is no longer relevant.

### **Item 7**

This item deletes the note relating to suborder 11.2 as this suborder is deleted.

**Item 8**

This item replaces the reference to the Australian Chamber of Shipping and its address with Australia Shipping Limited. Since 2001, the Australian Chamber of Shipping no longer exists and is now part of Australia Shipping Limited.

**Item 9**

This item replaces the reference to Part 8 of the old Prescribed Goods Orders with the correct reference in the new Prescribed Goods Orders.

**Item 10**

This item replaces the reference to Part 9 of the old Prescribed Goods Orders with the correct reference in the new Prescribed Goods Orders.

**Item 11**

This item deletes Note 1 to Part 7 as the reference to Order 78 in the old Prescribed Goods Orders no longer exists in the new Prescribed Goods Order.

**Item 12**

This item replaces the reference to Order 29 of the Grain, Plant and Plant Products Orders with the correct reference in the *Export Control (Plants and Plant Products) Orders 2005*. These Orders repeal the Grain, Plants and Plant Products Orders.

**Item 13**

This item replaces the reference in Note 3 to Part 7 to the "Department of Primary Industries" with the "Department of Agriculture, Fisheries and Forestry".

**Item 14**

This item updates the references to the Handbook to accurately reflect the present situation.

**Item 15**

This item deletes the Note on Part 8 as it is no longer correct.

**Item 16**

This item replaces the reference to Part 20 of the old Prescribed Goods Orders with the correct reference in the new Prescribed Goods Orders.

**Item 17**

This item replaces a number of references to the old Prescribed Goods Orders in the Note to Order 20 with the correct references in the new Prescribed Goods Orders.