

EXPLANATORY STATEMENT

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

Export Control (Orders) Regulations 1982

Export Control (Mung Beans) Repeal Orders 2007

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.

Paragraph 25(2)(d) of the Act allows regulations to be made for the imposition of fees in connection with the performance of services by authorised officers and the remission of fees so imposed. Paragraph 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* 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 Mung Beans Orders) were enacted in 1991 in response to food poisoning incidents in overseas markets. The purpose of the *Export Control (Mung Beans) Repeal Orders 2007* (the Repeal Orders) is to repeal the Mung Beans Orders. The reason for the repeal is that an amendment has been made to the *Export Control (Plants and Plant Products) Orders 2005* (the Plants Orders), by the *Export Control (Plants and Plant Products) Amendment Orders 2007 (No.1)*, to bring mung beans within the scope of the Plants Orders. The uniqueness of the mung bean export market is being acknowledged by inserting separate schedules into the Plants Orders to deal solely with the procedures and processes for exporting mung beans.

Extensive external consultation was undertaken with industry on the repeal of the Mung Beans Orders and the amendments to the Plants Orders. External consultation occurred with exporters and registered establishment operators. Consultation was also undertaken with the peak industry body, the Australian Mungbean Association (AMA), and the AQIS Grain Industry Consultative Committee (AGICC), the principal forum by which AQIS consults with the grain industry on export certification issues. The AMA provided written endorsement of the repeal of the Mung Beans Orders and the proposed amendments to the Plants Orders and no other submissions were received from industry.

The Office of Best Practice Regulation advised that the amendments would have a low impact on business, and would appear to impose no or low compliance costs.

The Orders are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Details of Orders are as follows:

Order 1 provides that the name of the Orders is the *Export Control (Mung Beans) Repeal Orders 2007*.

Order 2 provides that the Orders commence on 1 November 2007. The reason for the delayed commencement is to allow time, if necessary, for exporters of mung beans to make the changes required to align their operations with the requirements of the revised Plants Orders, before repeal of the Mung Beans Orders. The amendments to the Plants Orders made by the *Export Control (Plants and Plant Products) Amendment Orders 2007 (No.1)* will commence on 1 November 2007.

Order 3 repeals the *Export Control (Mung Beans) Orders* and the *Export Control (Mung Beans) Amendment Orders 2005 (No.1)*.