

EXPLANATORY STATEMENT

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

Export Control (Orders) Regulations 1982

Export Control (Fees) Amendment Orders 2007 (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.

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 (Fees) Orders 2001* ('the Principal Orders') impose fees in connection with the performance of services by authorised officers.

The purpose of the *Export Control (Fees) Amendment Orders 2007 (No. 1)* ('the Amendment Orders') is to:

- amend the definition of mung beans in Order 4 to reflect the repeal of the *Export Control (Mung Beans) Orders* and the incorporation of mung beans into the *Export Control (Plants and Plant Products) Orders 2005*.

Consultation was not undertaken in relation to this minor consequential amendment to the *Export Control (Fees) Orders 2001* as the Office of Best Practice Regulation advised that the amendment would have a low impact on business, and would appear to impose no or low compliance costs. Therefore no further analysis (in the form of a Business Cost Calculator Report or Regulation Impact Statement) was required.

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

Details of Amendment Orders are as follows:

Order 1 provides that the name of the Amendment Orders is the *Export Control (Fees) Amendment Orders 2007 (No.1)*.

Order 2 provides that the Amendment Orders commence on 1 November 2007.

Order 3 provides that Schedule 1 amends the Principal Orders.

Schedule 1 - Amendments

Item 1

Item 1 amends the definition of mung beans in suborder 4(1) by amending the reference from the *Export Control (Mung Beans) Orders* to the *Export Control (Plants and Plant Products) Orders 2005*. This amendment is necessary as the *Export Control (Mung Beans) Orders* were repealed on 1 November 2007 and from that date mung beans are now regulated by the *Export Control (Plants and Plant Products) Orders 2005*.