

EXPLANATORY STATEMENT

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

Export Control (Orders) Regulations 1982

Export Control (Meat and Meat Products) Amendment Orders 2007 (No. 1)

Section 3 of the *Export Control Act 1982* ('the Act') defines 'prescribed goods' to mean goods, or goods included in a class of goods, that are declared by the regulations to be prescribed goods for the purposes of the Act. Section 7 of the Act provides that the regulations may prohibit the export of prescribed goods from Australia absolutely or to a specified place or unless specified conditions or restrictions are complied with or to a specified place unless conditions or restrictions are complied with.

Subsection 25(1) of 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 carrying out or for giving effect to the Act. The matters that the regulations may make provision for include:

- under paragraph 25(2)(f) of the Act, the prescribing of penalties not exceeding 50 penalty units for offences against the regulations; and
- under paragraph 25(2)(g) of the Act, subject to subsection 25(3) of the Act, 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.

Subsection 25(3) of the Act states that an order shall not be made prescribing any penalty for an offence.

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 (Meat and Meat Products) Orders 2005* ('the Principal Orders') regulate the export of meat and meat products from Australia.

The purpose of the *Export Control (Meat and Meat Products) Amendment Orders 2007 (No.)* is to remove a repealed term in Note 2 to Order 29.1 of the Principal Orders.

No consultation has occurred as the amendment is of a minor or machinery nature and does not substantially alter existing arrangements.

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

Details of the Amendment Orders are set out below:

Order 1

1. This order provides that the name of these amending Orders is the *Export Control (Meat and Meat Products) Amendment Orders 2007 (No.)*.

Order 2

2. This order provides that these Orders commence on the day after they are registered.

Order 3

3. This order provides that Schedule 1 amends the *Export Control (Meat and Meat Products) Orders 2005*.

Schedule 1 Amendments

[1] Part 3, Division I, order 29.1, note 2

This item omits from Note 2 ‘and *registered premises*’. The purpose of this amendment is to remove a term that has been repealed and is no longer consistent with the *Export Control Act 1982*. The definition of ‘registered premises’ in the *Export Control Act 1982* was repealed by the *Agriculture, Fisheries and Forestry Legislation Amendment (Export Control and Quarantine) Act 2006 (No. 94, 2006)*. The removal of the definition of ‘registered premises’ from the *Export Control Act 1982* was a consequence of the adoption of the expression ‘registered establishment’.