

## EXPLANATORY STATEMENT

STATUTORY RULES 1982

No. 354

Issued by the Authority of the Minister of State for Transport and Construction for and on behalf of the Minister of State for Primary Industry

### EXPORT CONTROL (GENERAL) REGULATIONS

The Export Control Act 1982 (the Act) (Act No. 47 Assented to on 9 June 1982) provides a single legislative framework for the Government's export inspection and related control responsibilities which are presently administered under a number of different Acts. The Act will come into operation on 1 January 1983.

Section 25 of the Act empowers the Governor-General to make regulations required or permitted by, or necessary or convenient for carrying out or giving effect to, the Act. The section also enables regulations to be made for or in relation to the imposition of fees in respect of the registration of premises, vehicles, ships or aircraft; the quarantine or denaturing of prescribed goods; the analysis of samples and the extent to which a certificate of analysis is to be prima facie evidence of the facts stated in that certificate; the imposition of fees for the services of authorized officers; the keeping of records; penalties not exceeding \$1000 and the making of orders by the Minister.

Under the present legislative arrangements there are 10 sets of Exports Regulations covering canned and frozen fruits, dairy produce, dried fruits, fish, fresh fruit, fresh vegetables, general, grain, honey and meat. The Act provides for the use of associated regulations and a system of Ministerial orders governing day-to-day technical and administrative matters to implement the new system. As the

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Ministerial orders will take some time to develop it is necessary to make interim arrangements to provide for the conditions and restrictions governing the export of prescribed goods in the existing Exports Regulations to continue under the Act.

The proposed regulations will have the effect of importing the conditions and restrictions prescribed by the existing 10 sets of Exports Regulations, as in force on 31 December 1982, as the conditions and restrictions of export for the purposes of section 7 of the Act. The existing Exports Regulations will then be repealed on 1 January 1983 by proposed regulation 2.

The proposed regulations contain details relating to those goods which are declared to be prescribed goods, specific exemptions, the conditions and restrictions to be complied with, necessary modifications to the existing Exports Regulations, the issue of exemptions by the Secretary under certain circumstances, the registration and renewal of registration of premises and ships, the suspension and cancellation of such registration and the temporary suspension of the registration of premises and ships. They also provide for the lodgement of notices of intention to export, the issue of export permits, the re-examination of the goods and cancellation of export permits, controls over official marks and marking devices, the manner in which samples are to be dealt with, the analysis of samples and the issue of certificates of analysis, fees for officers services, delegation of the Secretary's powers, a saving provision and the protection of the renewal of registration of export meat premises.

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With the exception of the provisions relating to temporary suspension of registration and control over official marks all of the above requirements are contained in the existing Exports Regulations. Their specific inclusion is necessary as they are not considered to be conditions or restrictions. The temporary suspension and control of stamps provisions are necessary to overcome deficiencies in the present system identified by the Royal Commission into the Australian Meat Industry.

As the proposed regulations import the present conditions and restrictions in the existing Exports Regulations they will have no effect on day-to-day export inspection operations and will not impose any additional requirements on the industries involved.

The proposed regulations are to take effect on 1 January 1983, the day on which the Act will come into operation.

SR307/82