

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

HORTICULTURE MARKETING AND RESEARCH AND  
DEVELOPMENT SERVICES (AMENDMENT) BILL 2002

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Agriculture, Fisheries and Forestry,  
the Hon Warren Truss MP)

# **HORTICULTURE MARKETING AND RESEARCH AND DEVELOPMENT SERVICES (AMENDMENT) BILL 2002**

## **GENERAL OUTLINE**

The Bill seeks to amend the *Horticulture Marketing and Research and Development Services Act 2000* (HMRDS Act) to deem Horticulture Australia Limited (HAL) as the export control body under the HMRDS Act to be a Commonwealth agency for the purposes of section 16 of the *Customs Administration Act 1985* (Customs Act). Currently HAL is given the function of administering export controls on behalf of horticultural industries as the company has been declared the export control body under subsection 9(2) the HMRDS Act.

HAL commenced business on 1 February 2001 taking over the functions previously undertaken by the Horticultural Research & Development Corporation, the Australian Horticultural Corporation (AHC) and the Australian Dried Fruits Board. HAL is an industry owned company that the Commonwealth has entered into arrangements with for delivery of marketing and research and development services to the horticulture industry.

The AHC previously administered export controls on behalf of horticultural industries. During the period of its operation the AHC could access information from the Australian Customs Service (ACS) EXIT database to enable it to exercise appropriate management over the use of export control powers. While the AHC did not have powers to prosecute under legislation on export controls, information obtained from ACS could be provided to the Director of Public Prosecutions (DPP) to enable the DPP to prosecute exporters contravening the export controls.

As HAL does not meet the criteria of a Commonwealth Agency under Section 16 of the Customs Act, the ACS has advised HAL that it is no longer able to provide information from its EXIT database to the company. Yet the intention of the HMRDS Act is that the export control body (namely, HAL) should be able to exercise similar (but no greater) powers to those exercised by the former AHC and thus should be able to obtain access to Customs EXIT database information.

The proposed Horticulture Marketing and Research and Development Services Amendment Bill 2002 amends the HMRDS Act to deem HAL, as the export control body, to be a Commonwealth agency for the purposes of Section 16 of the *Customs Administration Act 1985*. This amendment will ensure that HAL can exercise appropriate management over current export control powers in place and any future export controls that may be put in place, by being able to access information in the ACS EXIT database to show evidence of any breaches that may have occurred in contravention of the export controls.

## **FINANCIAL IMPACT STATEMENT**

The Bill has no financial implications for the Commonwealth.

## **NOTES ON CLAUSES**

### **Short title**

The short title of the Bill is the Horticulture Marketing and Research and Development Services (Amendment) Bill 2002.

### **Commencement**

The commencement date is set to be on the day that the Bill receives Royal Assent.

### **Schedule**

Schedule 1 specifies that an amendment is made to the *Horticulture Marketing and Research and Development Services Act 2000* to provide for Horticulture Australia Limited, in its capacity as the industry export control body, to be a Commonwealth agency for the purposes of section 16 of the *Customs Administration Act 1985* to enable Horticulture Australia Limited access to information from the Australian Customs Service.