EXPLANATORY STATEMENT

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

Export Control Act 1982

Export Control (Plants and Plant Products) Amendment Orders 2005 (No. 1)

Subsection 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 or necessary or convenient to be prescribed for the carrying out or giving effect to the Act.

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 (“the Regulations”) 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 under the Act.

Section 3 of the Act defines “prescribed goods” as 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.

The purpose of the Export Control (Plants and Plant Products) Amendment Orders 2005 (No. 1) (“the Amendment Orders”) is to make amendments to certain provisions of the Export Control Plants and Plant Products) Orders 2005 ("the Principal Orders") which are consequential upon the enactment of the Export Control (Prescribed Goods - General) Order 2005 ("the new Prescribed Goods Orders") which repeal the Prescribed Goods (General) Orders 1985 ("the old Prescribed Goods Orders"). In particular the Amendment Orders substitute references to the old Prescribed Goods Orders with the new Prescribed Goods Orders.

Consultation was not undertaken for the making of the Amendment Orders because the amendments are of a minor or machinery nature and do not substantially alter existing arrangements. For the same reason, the Office of Regulation Review advised that a regulation impact statement is not required.

Details of the Amendment Orders are set out below:

Order 1

This order provides that the name of the Amendment Orders is the Export Control (Plants and Plant Products) Amendment Orders 2005 (No. 1).

Order 2

This order provides that the Amendment Orders commence on 1 July 2005.
Order 3

This order provides that Schedule 1 amends the Principal Orders.

Schedule 1 – Amendments

Items 1 to 11

These items replace references to the old Prescribed Goods Orders with references to the new Prescribed Goods Orders.

Item 12

This item corrects a typographical error by including '1' in the subparagraph.