EXPLANATORY STATEMENT

Issued by Authority of the Secretary of the Department of Agriculture, Fisheries and Forestry

*Horticulture Marketing and Research and Development Services Act 2000*

*Horticulture Marketing and Research Development Services Export Orders Revocation Order 2013*

Legislative Authority

Section 20 of the *Horticulture Marketing and Research and Development Services Act 2000* provides that the Secretary of the Department of Agriculture, Fisheries and Forestry may revoke an export control Order made under the Act.

Purpose

The purpose of the Order is to revoke the Orders that specify apples, pears and dried grapes to all export markets as regulated horticultural products and regulated horticultural markets in respect of those products.

Background

Horticultural exports are subject to export control powers contained in the *Horticulture Marketing and Research and Development Services Act 2000*, and are administered by the declared industry export control body, Horticulture Australia Limited.

A review of the regulation of horticultural exports enabled by the *Horticulture Marketing and Research and Development Services Act 2000* and subordinate legislation, found that such regulation does not conform to the principles of national competition policy, is not compliant with Australia’s World Trade Organization obligations and is hindering the efficient operation of the market. The review was informed by an independent report prepared by the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES). ABARES’ report concluded that the current export regulations do not conform to the principles of national competition policy and recommended they be discontinued. The ABARES report is available on the review’s website (www.daff.gov.au/hortexportreview).

The Regulation Impact Statement (RIS) drafted to inform the government’s response to the review indicated that revoking the current Orders and Regulations, but retaining the regulatory head of powers in the *Horticulture Marketing and Research and Development Services Act 2000*, is the policy option with the most advantages. The RIS is available on the Office of Best Practice Regulation RIS website and as supporting material on ComLaw.

On 21 December 2012 the Minister for Agriculture, Fisheries and Forestry, Senator the Hon. Joe Ludwig announced his approval for the Secretary of the Department of Agriculture, Fisheries and Forestry to revoke the Orders regulating the export of apples, pears and dried grapes to all export markets with effect on 31 January 2013.
Impact and Effect

Revoking the Orders removes Horticulture Australia Limited’s authority to establish licensing conditions on the export of apples, pears and dried grapes to all export markets. The apple, pear and dried grape industries do not oppose the removal of the orders.

Consultation

The review of horticulture export regulation was informed by two periods of public consultation, which were widely advertised, and meetings between ABARES staff and key stakeholder groups.

The Office of Best Practice Regulation was consulted in the preparation of the Regulation Impact Statement (RIS) to inform the government’s response to the ABARES report (ID 2011/12936). OBPR advised that the RIS meets the Australian Government’s best practice regulation requirements. The RIS is available on the OBPR website at www/ris.finance.gov.au.

The Office of Parliamentary Council was consulted in the preparation of the Order.
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Horticulture Marketing and Research Development Services Export Orders Revocation Order 2013

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Legislative Instrument

The purpose of the Order is to revoke the Orders that specify apples, pears and dried grapes to all export markets as regulated horticultural products and regulated horticultural markets is respect of those products.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Dr Conall O’Connell
Secretary, Department of Agriculture, Fisheries and Forestry