

## EXPLANATORY STATEMENT

STATUTORY RULES 1982 355 No.

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 (ORDERS) 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 not inconsistent with the Act and in particular paragraphs (2)(f) and (2)(g) enable regulations to be made prescribing penalties not exceeding \$1000 for offences against the regulations and 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.

Sub-section 25(3) of the Act provides that an order shall not be made prescribing any penalty.

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.

The proposed regulations empower the Minister to 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. They also provide for a penalty of \$1000 where a person contravenes or fails to comply with penal provisions which are to be provided for in the orders.

The proposed regulations are necessary so as to permit the introduction of the orders which will eventually encompass the requirements of the existing Exports Regulations and the proposed Export Control (General) Regulations which are being introduced as an interim measure. Development of the orders will be undertaken in consultation with appropriate industry organisations and, as provided for in sub-section 25(4) of the Act, they will be subject to sections 48, 49 and 50 of the Acts Interpretation Act 1901.

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

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