

Export Control (Orders) Amendment Regulations 1999 (No. 1) 1999 No. 221

EXPLANATORY STATEMENT

STATUTORY RULES 1999 NO. 221

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

Export Control Act 1982

Export Control (Orders) Amendment Regulations 1999 (No. 1)

The *Export Control Act 1982* (the Act) regulates the export of food and related primary products that are prescribed under the Act.

Sub-section 25 (1) of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, or necessary or convenient to be prescribed for the carrying out or giving effect to the Act. Subsection 25 (2) (f) of the Act also provides that the Governor-General may prescribe penalties, not exceeding 50 penalty units, for offences against the regulations.

The subordinate legislation under this Act provides the majority of the regulatory controls for the preparation of prescribed goods for export. This ensures prescribed goods are fit for human consumption, match their trade description and have been prepared in such a way as to meet the import requirements of Australia's export markets. Presently the regulations allow for a penalty of \$1,000 for offences against the regulations. Such a penalty level does not adequately reflect the serious nature of the regulatory controls contained in the subordinate legislation.

The purpose of the Export Control (Orders) Amendment Regulations is to provide for a range of penalties, from 10 penalty points to 50 penalty points, that can apply to offences against the regulations. The level of the penalty can then be specified according to the seriousness of the contravention. The amendment to regulation 4 does not itself alter any penalty for a contravention of the Export Control Orders; that can only be done by amendment to the Export Control Orders themselves. Export Control Orders that are amended to alter the level of penalty that can apply to an offence will be subject to Parliamentary scrutiny in the usual way.

The Office of Regulation has advised that a Regulation Impact Statement is not required for this amendment.

The Regulations are amended as follows.

Regulation 1 names the Regulations the *Export Control (Orders) Amendment Regulations 1999 (No. 1)*.

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 provides that Schedule 1 will amend the Export Control (Orders) Regulations.

Schedule 1.

Item 1. This item provides for the naming of the Regulations.

Item 2. This item sets out the penalties that are to apply where an order or a provision of an order made under the Regulations, is a penal provision. The penalty depends on the level of penal provision specified by the order, or provision. Where a penalty level has not been specified, the penalty will become 10 penalty points.

The Regulations commence on gazettal.